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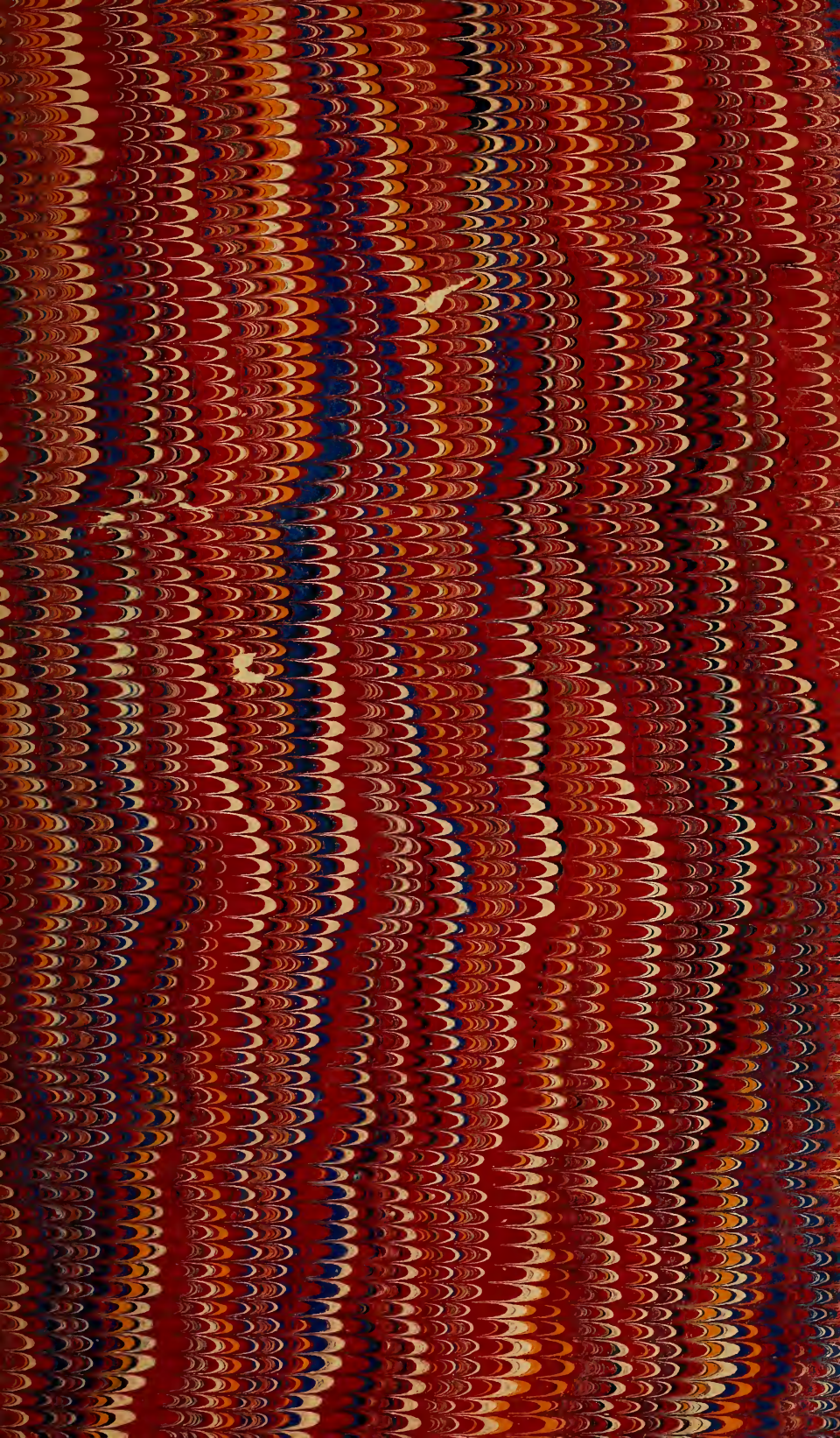
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# THE POISON FRIEND



LIFE AND CONVICTION  
OF  
LYDIA SHERMAN  
The Modern Borgia.



# THE POISON FIEND!

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LIFE, CRIMES, AND CONVICTION

OF

# LYDIA SHERMAN,

(THE MODERN LUCRETIA BORGIA)

RECENTLY TRIED IN NEW HAVEN, CONN., FOR

POISONING

THREE HUSBANDS AND EIGHT OF HER CHILDREN.

*By Rev. Lippard Barclay.*

HER LIFE IN FULL!

EXCITING ACCOUNT OF HER TRIAL—THE FEARFUL EVIDENCE

THE MOST STARTLING AND SENSATIONAL SERIES OF CRIMES  
EVER COMMITTED IN THIS COUNTRY.

HER CONVICTION

AND

# CONFESSIO.

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PHILADELPHIA: A

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# LYDIA SHERMAN—HER LIFE.

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**L**YDIA SHERMAN, her maiden name Danbury, is a native of Burlington, N. J. When she was less than a year old, her mother died, and her father became a butcher at Trenton. She lived under the paternal roof until her father remarried, when, not liking her stepmother, she went to live with her aunt at New Brunswick. Here she remained until seventeen years old, when she became acquainted with Edward Struck, a police officer in one of the upper wards of New York City, to whom she was married. Struck had been married before, and had two children, who were now placed under guardians. The newly married couple lived together nearly seven years, during which time six children were born. And now begin the awful events which throw such an air of mystery around the woman accused of eleven murders. First her husband was taken sick and suddenly died. It appears that a physician attended, who said he didn't know what the man died of. The symptoms, as described by those who saw him, were those of a person who had taken poison. Mrs. Sherman said the cause of his death was his getting up in the absence of the doctor and taking the wrong medicine. Subsequent to the death of her husband, her children, six in number, all died inside of about two years, and no one seemed to know what ailed them, except this—they all died suddenly.

Mrs. Sherman—or Mrs. Struck, as she was then named—spent two years after the death of her first husband as a seamstress and nurse. She next got employment in a sewing machine store in Canal street, where she made the acquaintance of a Mr. Curtis, who afterward engaged her to live with his mother at Stratford, about nine miles from this place. It was while living there that she became acquainted with her second husband, a man named Hurlbut, who lived at Huntington, and who was thought to be quite well off. At his death he left considerable real estate, beside \$10,000 in cash. This man had lived quietly and economically as a farmer and fisherman, and was well known to all around by the name of "Old Hurlbut." Mrs. Sherman professed a great fondness for her hus-

band, and it was not long before he made a will bequeathing all his property to her in the event of his death. They lived on, apparently happy, the neighbors noticing that every time he returned from his business she met him at the door and kissed him. Time passed on, and one day Dr. Church, the village physician, was summoned to attend Mr. Hurlbut. On arriving at the house he found him suffering acute pains in the head and stomach, accompanied by an intense burning, as if the patient had a violent fever. Dr. Church, becoming alarmed at the critical condition of his patient, sent for consulting physicians. "Old Hurlbut" died before the doctors had agreed upon a diagnosis, and was buried out of sight.

Nelson H. Sherman was a skilled mechanic and a man much loved for his genial spirits. Indeed his greatest fault was too much generosity. A little more than a year and a half ago his wife died, leaving him with four children, the eldest, a son named Nelson, aged seventeen; a daughter Addie, aged fourteen; another boy, Nattie, aged four years, and an infant five months old.

Nelson H. Sherman first became acquainted with the widow Hurlbut at her residence, near the river in Derby, Conn., and after a short courtship was married to her in September of last year. They settled in the house where Sherman and his children died. From that stage on to the present time the facts relating to the career of this mysterious woman are clearer and more terrible in proportion. The next person to become "suddenly ill" was Mr. Sherman's infant by his former wife, which died in a few days. The next victim, either to the devilish designs of the prisoner or to the strangest series of fatalities on record, was the much-loved daughter of Mr. Sherman. Her father, as soon as he found her symptoms were dangerous, became greatly alarmed, and summoned the advice of a number of physicians. The symptoms in all these cases appeared to be the same—that of acute pains in the head and stomach, with intense fever. The doctors found it impossible to help the girl, and in a few days she was lying in the grave beside her infant sister.

It now transpires that Sherman and his wife, though but recently married, had already had secret troubles of a very serious nature, and, though living in the same house, did not cohabit. Mr. Sherman had for some time slept with the baby, and Mrs. Sherman had slept alone. On the 11th of May, Sherman started off with a number of friends for New Haven, telling his wife he would be back that night. It appears that the party all got to drinking in New Haven, Sherman among the rest and did not return for about a week. When they proposed to go back, Sherman objected to going at all, and so the rest of the party went by the cars, leaving Sherman with the team in the city. Young Nelson, after waiting a day or two longer, said he was going to find his father. Mrs. Sherman gave him \$2.50 and he went in search. Sherman was found in a den with low people. The father and boy returned

together. Sherman was in a very bad way, and unable to go to work for several days. Finally, when he did go to the factory, he appeared very low spirited, and would not go home to his meals. Mrs. Sherman here appeared to have considerable regard for him, for each day she sent his meals to him, the best she could get. About this time Mrs. Sherman remonstrated with her husband for refusing to cohabit, saying it was wrong. He replied that "he knew too much of her, and that he should soon begin to talk out to her." He also told her that many of the neighbors knew as much as he did, and that there would soon be trouble. Mrs. Sherman was still doctoring her husband for his sickness, mixing up various kinds of potions, which he drank. Each time that he came into the house she greeted him with a kiss.

About the 1st of June, Sherman, after drinking his usual evening beverage mixed by his wife, went down town. In two hours after he came back, sat down on a chair and said he had a bad headache. The headache was followed by a raging fever, and fearful cramps in the stomach. Drs. Kinney and Beardsley both attended him, but he died after two days, suffering dreadful agonies. The doctors held another consultation after his death, and, as the symptoms of the sick man had been precisely those of his two daughters, they decided to hold a post-mortem examination. Accordingly, the stomach was taken out, besides about a third part of the liver. These were boxed up and sent to Professor Barker, at New Haven, for analysis. It required nearly three weeks to make the analysis, and it is only a short time since that the startling report of the proof went in, saying the liver had been found perfectly saturated with arsenic, and that there was enough in it to kill three men. A warrant was at once sued out for Mrs. Sherman's arrest, and put in the hands of Deputy Sheriff Henry A. Blakeman for execution at the proper time. Since the suspicion had grown so strong, young Nelson, his brother Nattie, and their grandmother, had all left the house, through fear that they might become the next victims if they stayed. Mrs. Sherman was not arrested immediately, but she was closely watched by the sheriff and the men employed by him. Although the report of the chemist had been kept as secret as possible, its import had become known, and was discussed on the public street. In two or three days, Mrs. Sherman, not knowing that she was watched, quietly removed to New Brunswick, N. J., where the police had the woman under surveillance for two or three weeks, awaiting the collection of sufficient evidence to warrant her arrest and to enable the officers to secure a requisition from Gov. Jewell. On the 7th, Deputy Sheriff Blakeman, of New Haven, Conn., arrived at New Brunswick and communicated all his facts to Chief of Police, Oliver. The woman had gone to New York, where she was being shadowed by a detective, and the officers awaited her return at the depot for several hours. She came on the 10.50 train, with a companion, and was immediately arrested.

Immediately after she had left Derby, and succeeding the death of the child, the friends of Mr. Sherman took steps to investigate the matter, and to that end had the body of Mr. Sherman and those of the two children exhumed. The officers who came to make the arrest state that undeniable evidence of poison was found upon all three of the bodies, and that it was plainly seen in the stomach of the last buried of the three. They also state that they have been able to fix upon the alleged murderer the purchase of poison similar to that of which traces were found. The poison was vegetable and of an unusual character, the officers being unable to give its name. They were not disposed to be communicative, but the above facts were elicited. They were armed with warrants and a requisition from Gov. Jewell. After the arrest Chief Oliver and Detective Mitchell conveyed the woman to the office of District Attorney Herbert, where she was detained until four o'clock, at which time she was taken to New Haven, accompanied by Sheriff Blakeman and Detective Mitchell. The statements of the officers leave no doubt that the woman is guilty of one of the most startling and sensational series of crimes that has ever been committed in this part of the country.

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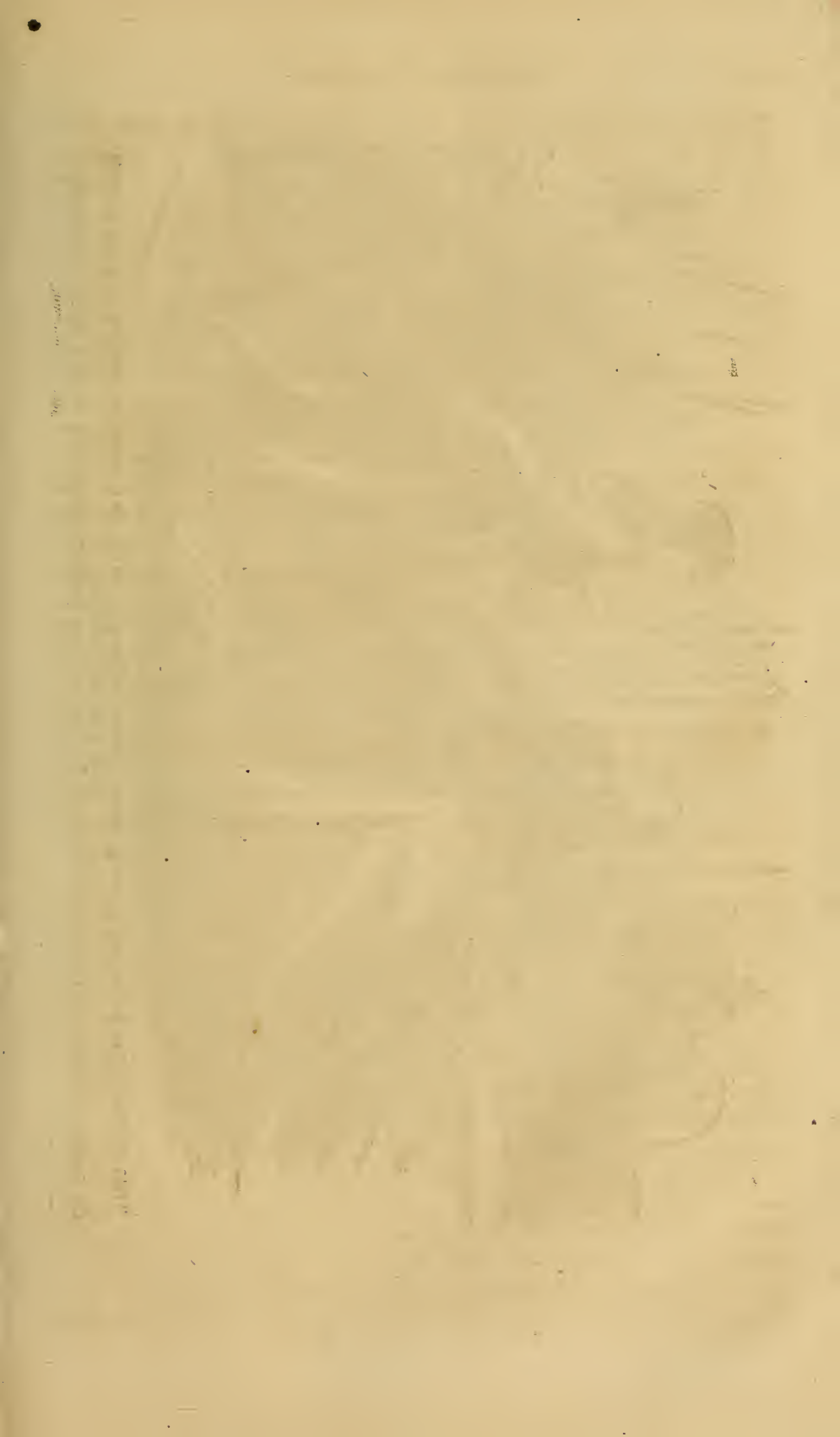
## THE TRIAL OF LYDIA SHERMAN.

**T**HE excitement attending the trial of Mrs. Lydia Sherman, at New Haven, Conn., for murdering by poison her third husband, Nelson H. Sherman of Birmingham, in the same State, was nearly as great as that which attended the recent trial of Mrs. Wharton, also charged with having been a poisoner. Her preliminary examination, before Justice Platt, was held at Birmingham on the 6th and 7th July last; she was examined upon the charge of murdering her husband.

It appears that sometime in the fall of last year, Mrs. Sherman, who was then the widow of Dennis Hurlbut, who had died very suddenly and mysteriously, after willing his property, worth \$10,000, to her, made the acquaintance of Nelson H. Sherman, a widower, employed in a factory at Birmingham. For several weeks she visited his family—which consisted of himself and four children, the youngest of whom was aged one year—and finally, about a year ago, they were married, and Mrs. Sherman was installed as the second wife of Sherman. Frank, the youngest child of Sherman, was taken sick in December, and after a few days' illness, while under the care of his stepmother and of his grandmother, Mrs. Jones, died with all the symptoms of arsenical poison.

A few weeks later another child, Addie, a beautiful girl, aged fifteen,







"Old Hurlbut," Lydia Sherman's second husband, grows suddenly ill, as did his poisoned predecessor, and dying leaves her a WEALTHY WIDOW.

"Old Hurlbut," Lydia Sherman's zweiter Ehemann, wird plötzlich krank wie sein vergifteter Vorgänger und hinterläßt Sterbend sie als reiche Wittwe.

and a universal favorite in the village, was taken sick and died on New Year's eve of last year. She, too, showed symptoms of poison. In the May following, Sherman, who was a dissipated man, was taken ill and died, with symptoms of arsenical poison, on the 12th of that month. The evidence of Dr. Ambrose Beardsley, the Health Officer of the town and the physician who attended Sherman and his two children, showed that they had died of arsenical poison.

After Sherman's death Lydia left for New Jersey, ostensibly on a visit. Dr. Beardsley's suspicions having been aroused, he communicated with Dr. Kinney, a post-mortem examination was had upon Sherman, and later the graves of the children were opened, the contents of the stomachs secured and sent to New Haven for analysis.

The parties who had taken these preliminary proceedings acted very secretly, and on receiving the report of the chemists that sufficient arsenic was found in the stomach of each victim to cause death, they instituted inquiries into the antecedents of Mrs. Sherman, when the facts of her marriage to Dennis Hurlbut, a wealthy farmer, living in an adjoining town, and his mysterious death were ascertained. One very strong circumstance regarding Hurlbut's taking off was that the only person who was an occupant of the house with him during his illness was his wife, the accused. His grave was opened, the stomach secured and sent to New Haven for analysis. Unmistakable evidence of poison was found in its contents. Having carefully woven the web of circumstantial evidence around the accused, Dr. Beardsley and his associates communicated their investigations to A. H. Gilbert, the local Grand Juror, who went before Judge Pratt and secured a warrant for the arrest of the female Borgia. This was placed in the hands of Sheriff Henry A. Blakeman, who proceeded to New Jersey and, arresting her, conveyed her to Birmingham, where the preliminary investigation already referred to was had, Colonel William B. Wooster and E. K. Foster, State Prosecuting Attorney, appearing for the people, and George B. Waterous of New Haven, and S. M. Gardener of Derby, for the defence. After a three-days' patient hearing, she was committed to the county jail of New Haven on the charge of poisoning her husband.

This is considered one of the weakest cases of all the alleged murders committed by her in this State. The evidence heretofore given shows that she could have no incentive to the murder of Sherman unless to rid herself of a worthless husband, who had no property of his own, and upon whom she had squandered several thousand dollars inherited from Hurlbut, that she might marry a more wealthy one. In the death of the children she could not achieve any gain; in the death of her previous husband, Hurlbut, there was an incentive to the commission of the foul deed of which she is suspected. He was wealthy and had made his will, bequeathing all his effects to her. He was taken suddenly sick at his

farmhouse; a neighbor passing was called in and requested to summon a physician. Dr. Shelton was called, prescribed, and Hurlbut died three days after, and was laid away in his last sleep, no one being in the house who could administer poison but the accused, who attended him in his illness. Yet, Professor George F. Barker, who made the analysis of the stomach, swears that Dennis Hurlbut died from arsenical poison. If acquitted on the charge of poisoning Sherman, she will likely be placed on trial for poisoning the children, Frank and Addie. These three are the only murders charged against her in this county, and in the event of her acquittal she will no doubt be handed over to the authorities of Fairfield county to answer the charge of poisoning her second husband, Dennis Hurlbut, the evidence in which case is very explicit, and by all who are familiar with the facts is believed to be sufficient to convict her of the grave suspicions entertained that she killed Hurlbut for his property.

While these investigations were progressing, the authorities instituted inquiries into her antecedents in New York, when it was discovered that she probably poisoned her first husband, Edward Struck, a policeman, and five children, some of whom were her own offspring by him. She was married to Struck, who was then a coachman in the employ of a man named Butler, at Manhattanville, in the year 1846. They lived apparently on affectionate terms for several years, and had several children, Mrs. Struck, now Sherman, being a devout communicant in the First Presbyterian Church of Manhattanville.

In 1864 Struck died, after a short illness, and was buried in Trinity Cemetery. He was appointed on the police force in January, 1857, and dismissed in December, 1863, for violation of rules. The next member of the family that "shuffled off the mortal coil" was Edward Struck, Jr., aged about four years, who followed his father on July 5th, 1864, to Trinity Cemetery, and the same day his little sister Martha died, aged six years and nine months. The next to find a resting place in Trinity was William Struck, aged nine months and fifteen days. Then, on the 9th of March, 1866, Ann Eliza Struck, aged twelve years, died, and was laid away to rest in the family plot. But death did not stop here. On May 19th, 1866, Lydia Struck, an accomplished young lady, aged eighteen years, eight months and eleven days, breathed her last at the family residence. The record in the Bureau of Vital Statistics, is as follows:

Edward W. Struck, aged fifty-nine years; residence, Tenth avenue; birthplace, New Jersey; died of consumption; interred at Trinity Cemetery; died May 26, 1864; attending physician, Dr. N. Husted.

July 5, 1864.—Edward Struck, aged four years and three months; residence, Tenth avenue; a native of New York; died of remittent fever; buried at Trinity Cemetery; attending physician, Dr. G. Jackson.

July 5, 1864.—William Struck, aged nine months and fifteen days; residence, Norfolk street; native New York; died of bronchitis; buried at Trinity Cemetery; attending physician, Dr. B. Gross.

*March 9, 1866.*—Anna E. Struck, aged twelve years; residence, corner of Lawrence street and Broadway; died of typhoid fever; buried at Trinity Cemetery; undertaker, L. Zangner; attending physician, L. Rodenstein.

*May 19, 1866.*—Lydia Struck, aged eighteen years, eight months and eleven days; residence corner of Lawrence street and Broadway; died of typhoid fever; buried in Trinity Cemetery; attending physician, Dr. L. A. Rodenstein.

Rev. Mr. Payson, of the Harlem Presbyterian Church, was present at the bedside of Lydia Struck when she died, and he describes the symptoms attending her illness as those of poisoning, and recounted some months ago very suspicious circumstances against the accused.

It is said that Cornelius Struck, a conductor on the Third Avenue Railroad, and son of the deceased Struck, asked District Attorney Garvin to cause the bodies of his family to be exhumed and an analysis made of the stomachs. The motive that prompted this remarkable woman to administer poison to her victim, cannot, except in the case of Hurlbut, be divined. There are many in this country who attributed it to a mania for life-taking, and if such be the case, there is ground for grave suspicions that she may be responsible for more deaths still, as she was for some time employed as nurse by Dr. L. Rodenstein in his practice in the upper part of the city, and may have been administering deathly draughts to some of his patients. The indictment upon which she was arraigned was found on the 21st of September. It charges that, at the town of Derby, on the 8th of May, 1871, Lydia Sherman, wife of Nelson H. Sherman, late of said place, did feloniously, wilfully, etc., mix and mingle a great quantity of deadly poison, called white arsenic, with a quantity of chocolate, which she administered to the said Sherman, who died on the 12th of May, and that the said Lydia Sherman is guilty of murder in the first degree. The second charge is the administration of poison in certain slings between the 8th and 12th of May, and at divers other times, and that Lydia Sherman is guilty of murder in the first degree. The fourth and last count, drawn by Colonel Wooster, of Derby is the same as the first, except that there are changes in the verbiage

#### ANALYSIS OF THE DEAD MAN'S STOMACH AND LIVER.

The report of George M. Barker, M. D., of Yale College, to whom the stomach and liver of the deceased were sent for examination, has been carefully drawn up and is as follows:

A portion of the organ examined was finely divided, placed in an evaporating dish with twice its bulk of distilled water, strongly acidulated with pure hydrochloric acid, a few grammes potassium chloride added, and the whole gently heated. In from three to eight hours generally the organic matter was destroyed, and a clear yellow liquid obtained. This was filtered, heated so long as the odor of chlorine was perceptible, and treated with a slow stream of washed hydrogen sulphide gas from

twelve to sixteen hours. After standing for several hours the liquid was filtered from the precipitate, the latter washed free from chlorine, dried on the water bath, thoroughly oxidized with pure nitric acid, and then heated with pure sulphuric acid until completely charred and fumes of the acid appeared. After cooling, pure hydrochloric acid was added—gently heating the mass at the same time—and the whole was filtered, the residue being washed until no longer acid. The filtrate was then treated for twelve hours with hydrogen sulphide gas; the precipitate, after standing for a time, was collected on a filter and thoroughly washed. The precipitate was then treated with pure ammonium hydrate and sulphhydrate generally heated to boiling and poured upon the filter. The filtrate and washings of the residue were received in a porcelain capsule, evaporated to dryness, oxidized with pure fuming nitric acid, again evaporated nearly to dryness, treated with pure sodium carbonate in considerable excess, with the addition of some pure sodium nitrate, completely dried and heated to complete fusion. After cooling, the fused mass was dissolved in cold water, filtered, the filtrate and washings acidified with pure sulphuric acid, and evaporated until fumes of the sulphuric acid were evolved. After cooling a strong solution of pure sulphuric acid was added, the whole was again evaporated till fumes appeared, and the solution thus obtained, diluted with distilled water, was treated with washed hydrogen sulphide gas for twelve hours. The pure yellow precipitate of arsenious sulphide thus obtained—which, from the very nature of the processes, could be nothing else—was allowed to stand a few hours, was then filtered off, washed, and dissolved in pure ammonium hydrate poured on the filter. The filtrate was received in a previously-weighed capsule of porcelain, evaporated carefully to dryness on the water bath at 100 degrees centigrade, allowed to cool, and weighed. The increase of weight represented the weight of the arsenious sulphide, from which, since 100 parts correspond to 80.5 parts of white arsenic or arsenious oxide, the quantity of the latter may easily be calculated. After weighing this sulphide it was thoroughly oxidized by repeated evaporation with pure fuming nitric acid, the excess of acid removed by repeated evaporation with distilled water the residue dissolved in water, and a portion of it tested with ammonio-silver nitrate. A brick-red precipitate of silver arsenate was produced. The rest of the solution was evaporated with a solution of sulphuric acid until no odor of the latter appeared. A portion of the solution thus obtained was tested with ammonio-silver nitrate; it gave a canary-yellow precipitate of silver arsenite. A second portion tested with ammonio-cupric sulphate gave a green precipitate of copper arsenite. The residue in the capsule was then divided into two portions; one of these was treated with pure sodium carbonate in excess, carefully and thoroughly dried and mixed with ten times its weight of a well-dried mixture composed of one part potassium cyanide and three of pure

sodium carbonate. Portions of this mixture were then heated in bulbs blown on the ends of tubes of hard glass; brilliant mirrors of metallic arsenic were obtained, a strong odor of garlic being at the same time developed. On sealing one of these tubes and heating the deposit within, it was found to be readily volatile, condensing, if sufficient air be present, in brilliant transparent crystals easily identified as octahedrons of arsenious oxide. Other portions of the mixture were then tested by the method of Fresenius and Babo, *i. e.*, were placed in tubes of hard glass drawn out at the end, through which a slow stream of carbonic gas was passing, and were heated to redness. Brilliant black mirrors of metallic arsenic were produced in this way, which afforded, on oxidation, brilliant octahedral crystals of arsenious oxide. The second part of the above solution was divided into two equal parts; one of these was tested by the method of Reinsch, the other by that of Marsh. In the former method the liquid was acidulated with pure hydrochloric acid; a strip of metallic copper was introduced and the whole heated to boiling. The copper became covered with a steel-gray coating of metallic arsenic, which passed as it increased into black. On washing, drying, and heating the copper slip in a tube of hard glass a brilliant sublimate of arsenious oxide crystals were obtained. For Marsh's test hydrogen was generated by action of pure dilute sulphuric acid on zinc; this gas was passed through a tube containing fragments of solid potassium hydrate, and then of calcium chloride, by which it was purified and dried, and then through a long tube of hard glass, drawn out at intervals. After the air was expelled from the apparatus the latter was heated to redness for an hour. No spot or stain was observed beyond the heated portion, proving the purity of the materials employed. The liquid to be tested was then poured into the generating flask, small portions at a time. The constricted part of the tube, beyond the heated portion, soon showed a hair-brown deposit of metallic arsenic, which darkened as it accumulated, becoming finally a lustrous black mirror. At the same time the flame of the hydrogen gas, burning at the end of the tube, became whiter, evolved white fumes of arsenious oxide, and deposited upon pieces of cold porcelain held in it mirror-like spots of metallic arsenic. Several deposits in the tube were obtained; on passing a slow stream of hydrogen sulphide gas through one of these, and gently heating, a bright yellow deposit of arsenious sulphide was obtained by sublimation. A second tube was sealed at the ends, and the metallic arsenic was oxidized by sublimating it in the air present. A white ring easily seen to be made up of octahedra of arsenious oxide was readily obtained. Portions of the original precipitate of arsenious sulphide, and of the subsequently obtained precipitate of silver arsenate, and of copper and of silver arsenate, together with the sublimate of metallic arsenic and arsenious oxide, obtained by the reduction test, by Fresenius's and Babo's test, by Reinsch's and Marsh's test and

the arsenious sulphide obtained by sublimation from the metallic arsenic, were enclosed in tubes, which were carefully sealed, and are here. The purity of all the chemicals used in the above processes and the cleanness of the vessels and apparatus employed were tested by submitting a piece of beef's liver about the same size as the piece of human liver taken to the same process throughout, using the same materials and the same vessels. No trace of arsenic could be discovered by this means; the materials must therefore have been pure and the vessels employed clean. The quantity of white arsenic obtained from six and two-thirds ounces of the liver of Nelson H. Sherman, was 0.485 grain, corresponding to nearly five grains for the whole liver. From eight ounces of the liver of Dennis Hurlbut 0.929 was obtained; the whole liver must contain between seven and eight grains. Two-thirds of Dennis Hurlbut's stomach afforded 4.75 grains white arsenic, corresponding to 6.33 grains for the entire stomach. The arsenious sulphide obtained in these cases I here produce.

### FIRST DAY.

Lydia Sherman was placed on trial Tuesday, April 16th. She appeared unusually cheerful; she was dressed in a neat black alpaca dress, trimmed with silk velvet, a mixed black and white woollen shawl, white straw hat, trimmed with black velvet and brown plume, from which drooped over her face a thin lace veil, through which her features were plainly marked, and upon her hands were black kid gloves. After the empanelling of the jury she left the prisoner's box and took her seat beside her counsel, Messrs. Waterous, of this city, and S. M. Gardener, of Derby.

A little before eleven o'clock Judge Sandford again took his seat on the bench, and was accompanied by Justice Park of the Supreme Court, who was associated with him in the trial, the law requiring one of the Supreme Court Justices to be present. There appeared as counsel for the State, E. K. Foster, Col. William B. Wooster, and Col. Torrance, of Derby, and for the accused, Mr. George B. Waterous of New Haven, and Samuel M. Gardener of Derby.

At eleven o'clock Mr. Foster, the State Attorney, arose and said: The grand jury have indicted Lydia Sherman for the murder of Nelson H. Sherman, and I move the Court that she be put on trial.

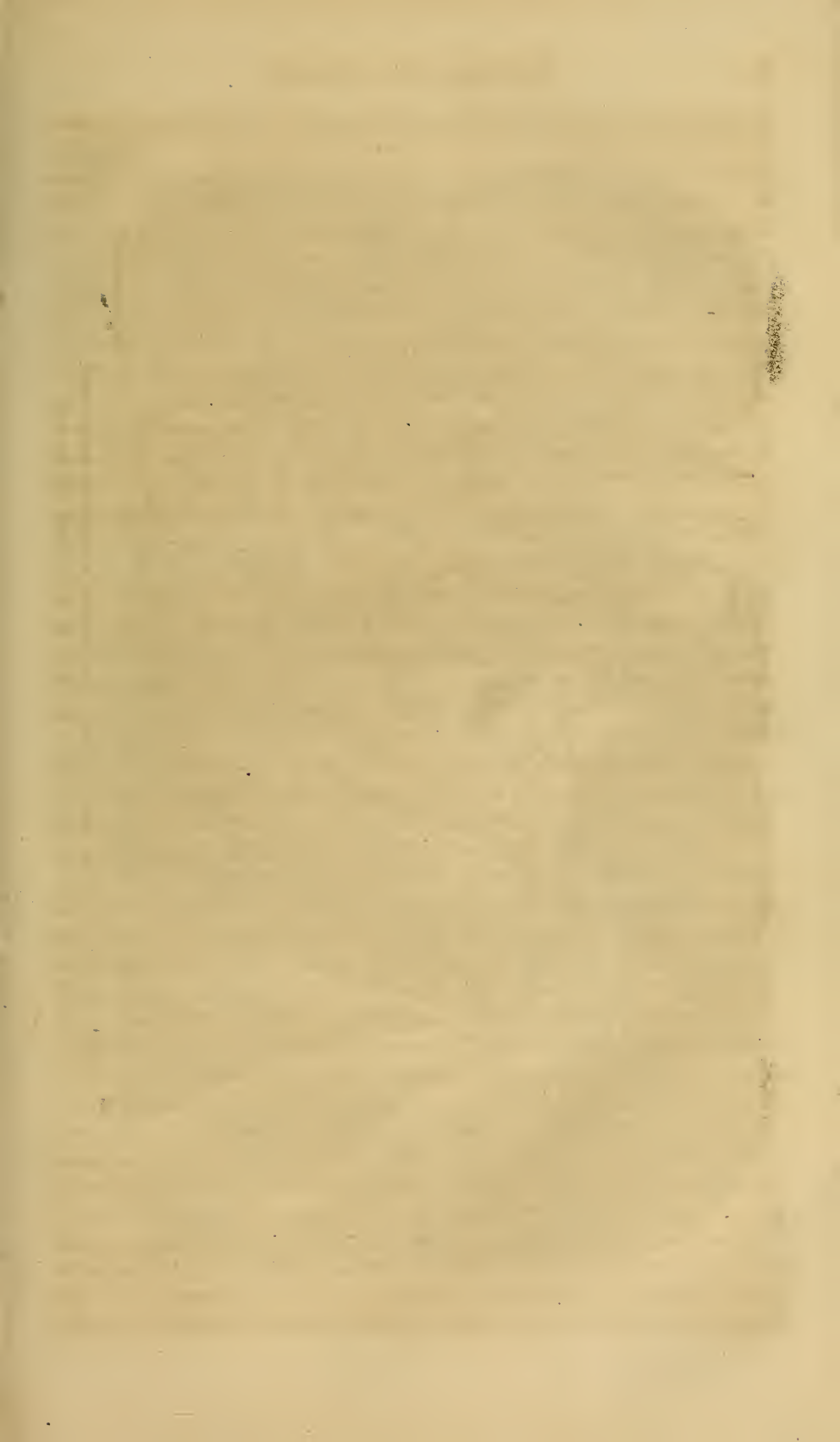
† Mr. Wooster.—Has the prisoner been put to plea?

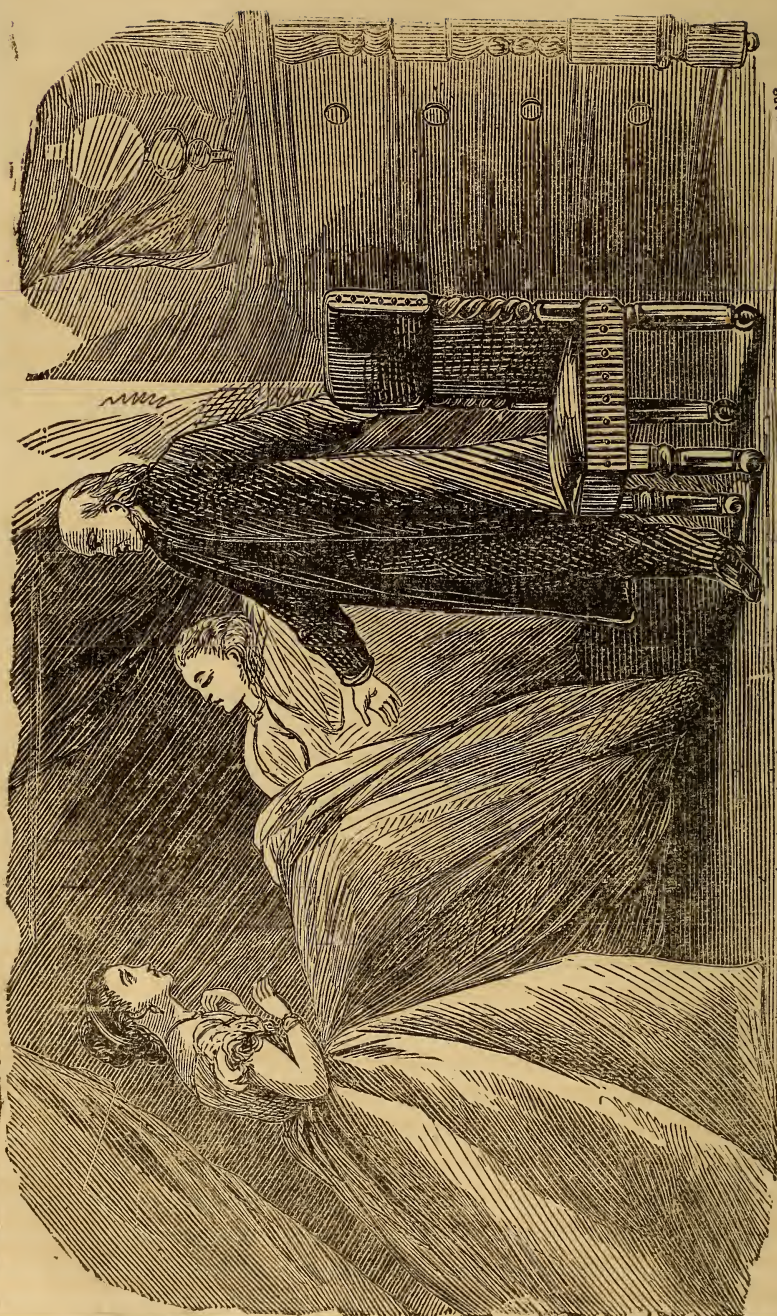
Mr. Foster.—She has not, I think.

The prisoner then arose and the clerk commenced to read the indictment. As the reading commenced, Mr. Waterous said: Is it necessary that she should stand? The indictment is rather long.

The Court said that it was not, and Mr. Waterous then walked over to the prisoner and informed her that she might sit, but she smilingly declined, and said she would remain standing. The reading proceeded, the prisoner observing it carefully but with perfect calmness.







W. H. W.

Death of Addie Sherman, aged 15 years The minister's suspicions are aroused.  
Tod von Addie Sherman, 15 Jahre alt Der Verdacht des Geistlichen wird angeregt.

The clerk then said : To this indictment what is your plea, guilty or not guilty ?

The prisoner responded with rapidity, not guilty, sir.

The Court then said : Call the jury, Mr. Sheriff.

At this juncture, the sister of the prisoner, Mrs. Nafey, of New Brunswick, N. J., came into the court-room and went up to the dock, and the prisoner arising with bright smiles, grasped her sister's hand and kissed her heartily, while tears ran down her face. These she suppressed quickly, and immediately afterward shook hands with her brother-in-law, who then came up, and also kissed him, and she did the same to a brother, Mr. Joseph Danbury, of New Brunswick.

The jurymen were the following-named : Messrs. Horace Thompson, Almon P. Rowe, Dwight W. Tuttle, Eli Parmele, Ira A. Doolittle, Leonard Doolittle, Hiram Wooding, Edward N. Potter, Philo Bradley, Chauncey Williard, John Williard, Walter Hough.

### THE TRIAL.

Dr. Beardsley, of Derby, was the first witness called. He gave his testimony as follows :

I was the family physician of Sherman ; was called to see the deceased Tuesday, May 9th, 1871, when the prisoner met me and expressed her anxiety to see me ; Sherman told me that he thought he had one of his old turns ; I found his symptoms to be nausea, vomiting, parched mouth and throat, great thirst, sharp pain in stomach, racking pain in bowels, hot, dry skin, quick pulse and some faintness ; was told that he had been off on a spree of a week, and came home sick ; in reply to my question why Mrs. Sherman gave her husband money, she said that she had some trouble with him, that he had spent \$1200 or \$1500 of her money, and that she had tried to control him in vain. I gave him one-eighth grain morphine and one grain blue pill, to be taken every two hours ; he said that upon the previous night he had been taken with severe pain in the head, followed by nausea and vomiting until I saw him ; he said he had eaten a light supper, and had eaten nothing unusual ; I gave with prescription named some directions in regard to treatment during the night and departed ; I saw him at 11 P. M., and found him no better, with symptoms same as before ; I took precautions in regard to night and left ; on Wednesday morning there appeared a lull in the degree of severity in symptoms ; vomiting, thirst, etc., etc., were less severe ; this was Wednesday, A. M., March 10th, when I prescribed cooling drinks, means to obtain an evacuation and measures to relieve pain ; that evening all of the symptoms were aggravated ; the matter thrown from the stomach was dark and offensive ; breath heavy ; retained hardly anything on stomach ; mouth and throat very red ; respiration quick ; complained of faintness ; constantly hawking and choking. loss of voice so that he could not speak

above a whisper; I gave him brandy and water; Thursday, A. M., Sherman was decidedly worse, and symptoms pointed to fatal termination; pulse imperceptible; extremities cold; cold all over; complained of being faint; burning pain in pit of stomach; these symptoms were not from a debauch or ordinary disease; both Mr. and Mrs. Sherman said that nothing had been administered, save what was ordered—that is, the sling and soothing drinks. Thursday morning, in reply to a question from the deceased, I told him that I feared he had his last sickness; he thought himself that he was going to die; I said I did not understand this intolerable thirst, vomiting, and other symptoms, and asked him if he had taken anything; he said nothing except that which was ordered, and that his wife had been particular to do as directed; Thursday evening Dr. Kinney was called in consultation, and in my absence gave a recipe of compound mostly of sub-nitrate of bismuth; this was administered to him that night, but I then expressed the opinion that nothing would save Mr. Sherman; all he took that night was Dr. Kinney's prescription, brandy and water, and little of that; Friday morning, 12th, at sunrise, saw him again; he was then apparently in a dying state; he died about eight o'clock A. M.; there was a livid appearance of skin, especially under the eyes; all leading symptoms which correspond to those originating from poisoning by arsenic; three symptoms which I have seen present in cases of arsenic poison were absent from this case, viz., purging, delirium and convulsions; between nine and ten o'clock, Friday, A. M., Dr. Kinney came over to our village, called at house where I was detained, and called me out; we then had free interchange of opinion as to the cause of Sherman's death; my own opinion was that everything pointed to poisoning by arsenic, and I determined on a post-mortem examination with a view to find out contents of stomach; I sent a note by Dr. Kinney to prisoner requesting, as her family physician, a post-mortem examination of her husband; she readily assented to examination; Dr. Kinney procured necessary legal papers, and the examination was made Saturday morning, May 13th, about 10 A. M.; Drs. Kinney, Shelton, and myself were the only persons present; body exposed externally; no unusual appearance presented; integument over stomach dissected; stomach and duodenum or lesser stomach removed; the stomach proper seemed empty except of gas; ligature placed about the upper orifice and also lower orifice, and removed from body; we then examined by holding up to light and manipulation, and we found places of inflammation and ulceration; the stomachs then rolled up in white muslin cloth and tied; then put them in large glass jar never used, the cloth and jar having been procured by Dr. Kinney for this purpose; the liver had a normal appearance; right and left lobes and gall removed, about half of liver; this portion of liver rolled up in muslin and put in box, locked, and sent to New Haven for examination intestinal canals then examined; section of transverse arch

of colon was removed, opened, and internal coating showed marks of inflammation; don't remember that this removed portion was put in bottle; brain was not examined, as all symptoms pointed to trouble in the stomach, not in the heart, lungs or brain; Mr. Sherman had "turns" on 9th of December, and other times after sprees, and this sickness and vomiting were not unlike in his (Sherman's) opinion "the old turns."

The question here arose between counsel as to the admission of Sherman's statements, that he thought the sickness by which he was dying was like previous cases. Court decided that prosecution could prove that last attack was unlike previous cases, but Sherman's statements in reference to past cases not admissible.

Symptoms of Sherman's last sickness, in the main, were unlike previous cases, except in nausea, vomiting, thirst; these symptoms were like those of December 9th, 1870; May 9th, symptoms, insatiable thirst, burning throat, intense pain in pit of stomach, griping pain in bowels, hurried respiration; these unlike the symptoms of December 9th; in my opinion he did not die of any natural disease; taking the symptoms from day to day from the time I saw him to his death, post-mortem examination, and chemical analysis, I have no doubt that Sherman's death was caused from poison—I think white arsenic or ratsbane; Mrs. Sherman had full charge of him; she said she could get along with him without other help; she was always in the room, and apparently did what she could for him; in my opinion the recurrence of symptoms after abatement was caused by the administration of another dose of poison.

At the conclusion of Dr. Beardsley's testimony, which was prolonged into the afternoon session, and a few minutes before four o'clock, the counsel on both sides held a consultation with each other, and then Mr. Foster announced that they would go no farther with the testimony for the day. The court excused the jury until Wednesday at 9.30 A. M., and the witnesses were also excused until that hour.

After the jury had left the court-room, Mr. Woester arose and addressed the Court, and said that by agreement of counsel it had been agreed to argue before the Court the question of the admissibility of certain evidence, and in order that the jury might not be affected by it, it had been agreed to make the arguments in their absence. Though there was no question put and objections made, they should proceed as if there had been. The testimony they proposed to introduce, and to which objection was expected was as follows: They proposed to prove that Nelson H. Sherman died on the 12th of May, 1871, from arsenical poisoning, and then they proposed to put on the stand a witness to show that on the 25th of December, 1870, Addie Sherman, a girl some fifteen years of age, a daughter of the deceased, was taken with symptoms identical with those with which Nelson H. Sherman died; that she lingered till the 31st day of December, and died; that they should offer to show that the symptoms

were those of arsenical poison; they would further offer to show that a chemical analysis of the intestines and stomach was made and arsenic found, and that it caused the death of Addie Sherman; they would offer in proof that on the 16th day of November, 1870, a little more than a month before the death of Addie Sherman, Frankie Sherman, a boy some eleven or thirteen months of age, died with symptoms of arsenical poisoning, and that a chemical analysis made disclosed the presence of arsenic; in connection with that testimony they would show that the prisoner was present in the family of Nelson H. Sherman at the time of both of these deaths, and had the sole care of Addie Sherman, substantially the whole care of her and had part care of the infant, Frankie Sherman, and that she was to have had the whole care within one week's time of his death, and that if he had lived she would have had the sole care of the child, also that she had charge of the food with which the child was fed and prepared a part of it; they should offer further to show that on the 20th of January, 1870, Dennis Hurlbut, the then husband of the prisoner, died after a sickness of four or five days, with symptoms during that sickness that were strongly marked with arsenical poisoning; that an analysis of his stomach and parts of the body disclosed the marked presence of arsenic there in such a quantity as must have caused death; that he was under sole control of the prisoner; that she took care of him; that he received everything from her hands; that she was the only person present, and was where she could administer to these four persons that died of arsenical poisoning, and was the only living person in the family of Hurlbut, and that was in the family of Sherman at the time of these successive deaths.

Mr. Waterous said they of course objected, and asked that in view of the interest in the question, two attorneys on each side be allowed to discuss the subject.

The Court assented, and asked for what the testimony was offered.

Mr. Wooster said it would be offered first to prove the criminal intent; second, to show that the prisoner had arsenic under her control, and was acquainted with its properties; third, to show the history of the Sherman family; fourth, because it was one of the circumstances to prove guilt and as part of the circumstantial evidence; and fifth, in general, to prove the guilt or innocence of the prisoner.

The prosecution having thus declared what they intended to show defence proceeded to argue at length against the admission of certain evidence, and to discuss the principles upon which the trial should be conducted. The defence endeavored to show that it was not pertinent to bring before the court testimony to prove that the persons named by prosecution had come to their death at the hands of Mrs. Sherman.

Wharton trial was freely instanced by the defence. Numerous authorities were quoted upon both sides. Mr. Waterous closed for the defence in

speech of an hour, claiming that an unjust attempt was being made by prosecution to prejudice judges and jury by proving Mrs. Sherman a dangerous woman, and hence capable of the crime for which she is charged.

No decision was made by the Court, and at 6.45 P.M. an adjournment was made until Wednesday morning.

## SECOND DAY.

Wednesday morning, April 17, at half-past nine o'clock, the court was opened, and all the witnesses were in attendance. The prisoner was soon after brought in by Sheriff Scott, who gave her a seat between her counsel at the table. She was dressed the same as on the previous day, and was accompanied by her brother, Danbury, her brother-in-law, Mr. Nafey, and Mrs. Nafey, her sister. John Struck, her son by the New York policeman, who is an oyster dealer in Boston, appeared in the court room, and, taking a seat a little in the rear of her, watched the proceedings closely. Judge Sandford gave his decision upon the points of law raised the day before, whether the evidence of the poisoning of Sherman's children and Hurlbut could be admitted, and it was adverse to the claims of the State.

Dr. Ambrose Beardsley, family physician, recalled.—In my testimony yesterday, where I spoke of the constriction of the throat, I meant to say it produced a whisper, or, in other words, he lost his voice; this was on Wednesday evening: he constantly complained of it and appeared to be choking.

Q. Did he take anything other than sling by way of nourishment?

A. He took tea, bread, water, and thin gruel; the effect on the stomach was very bland.

Q. In any of these, if arsenic were mixed, would it be perceived by the patient? A. It would not in an ordinary poisonous dose.

Q. Was Sherman able to sit up at any time after you called? A. He was not; he was prostrated from the first; I did not see him out of a recumbent position; he may have had attempted to sit up.

Q. What was he physically? A. A man of fine physique and enduring constitution, very little impaired by his habits, and should say a strong muscular man.

Q. How old? A. About forty-five or forty-six; I cannot tell exactly.

Q. What was the condition of his mind during his illness? A. During the whole of it, remarkably clear and collected; I could not see that it wandered at any time, not even in a state of dissolution.

Q. What were his habits? A. He used to have spells of drinking to excess in the last few years; except his drinking, I know of nothing to effect his constitution.

Q. How frequent were the spells? A. Not often, to my knowledge; he would go for months without it.

Q. What were his spirits—desponding? A. Rather jovial; I never saw him despondent except when under the influence of liquor.

Q. How did despondency manifest itself? A. By being embarrassed, and in financial matters, I believe.

CROSS-EXAMINED BY MR. WATEROUS.

Q. By his embarrassed condition? A. Yes; he talked about it a great deal.

Q. You were sent for to go there on Tuesday—by whom? A. I think his son came after me; the order was on the slate; I was told that Sherman's son was looking for me, as his father was very sick.

Q. You were met by Mrs. Sherman? A. Yes.

Q. She appeared gratified at your coming? A. Yes; we had a talk together; don't recollect whether Hubbard was there or not; my impression is, he was not; it was at the time of the first visit I saw the contents of the stomach in a bowl; it was on a chair between the bed and the wall; think my attention was not called to the contents; Mrs. Sherman said he had been vomiting nearly all night.

Q. Did she say she had saved it to let you see the horrible stuff that came off his stomach? A. She may have said so, but I do not recollect it; it was not horrible stuff; it was healthy bile more than vitiated bile; she may have said she had saved the bile; I think she did, but I will not be positive.

Q. How long had it been off his stomach? A. He had just finished vomiting as I entered, I was told.

Q. Was there another time when your attention was called to the character of the vomiting by Mrs. Sherman or some one else? A. I don't recollect.

Q. Mrs. Sherman may have done so? A. She may have done so.

Q. You testified in this case before the magistrate in Birmingham? A. I did.

Q. Did you there attempt to give a history of his sickness and what passed during it? A. I did.

Q. When, after your first visit to the bedside, you had an interview with her and asked why she gave him money to go on the sprees, what did she say? A. "I have already had trouble; he has spent from \$1200 to \$1500 of my money; I have tried but can't control him."

Q. Did you state that before the magistrate? A. I did not.

Q. How long after his death did you testify before the magistrate? Was it a little less than two months? A. Yes.

Q. How long is it now since his death? A. Nearly a year; he died May 12 of last year.

Q. Did you tell Mrs. Sherman that you were going to tell him he could not have many more without being taken off? A. I have some faint

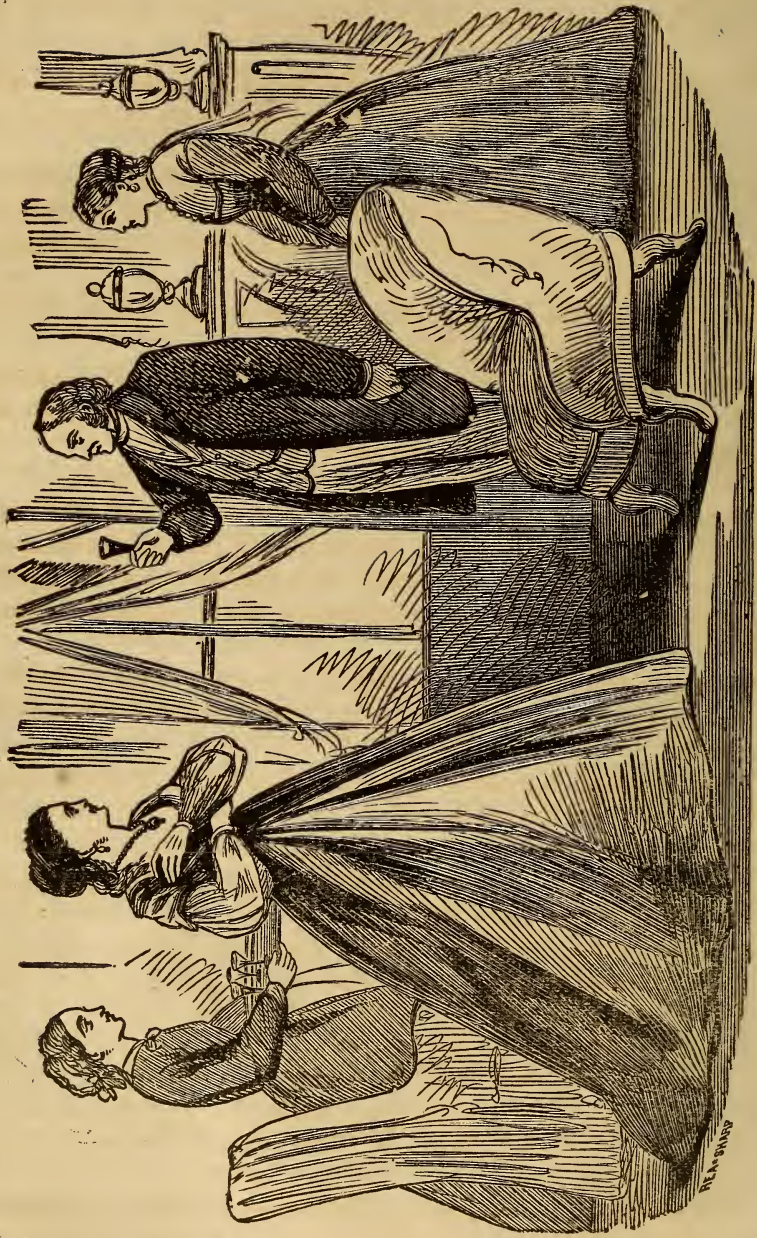


THE HISTORY OF THE UNITED STATES OF AMERICA  
FROM 1763 TO 1800  
BY CHARLES C. SMITH



1763

1800



Mr. Sherman drinks his DEATH PORTION prepared by his wife.  
Mr. Sherman trinkt den Todes-Trank, von seiner Frau bereitet.

W. G. B. 1850

recollection of something of the kind; I intimated to her that I would speak to Sherman before he recovered; we very often tell people that they will be taken off when we do not mean it; his habits were bad; I do not recollect that I made her a promise to talk with him on the subject.

Q. Did she not say at that interview that he had not been on that spree with her money? A. No; I do not recollect that such declaration was made by her.

Q. You were there daily during his illness? A. Yes; sometimes twice a day; I promised her Tuesday at two o'clock P.M., I would return early in the evening of that day, but did not get around early, although somebody came for me.

Q. Mrs. Sherman was attentive and devoted to his welfare, was she not? A. As far as I could see, she was.

Q. Did you prescribe tea, bread, water and gruel? A. She asked me if a little tea would hurt him; I ordered bread, water and gruel, and either prescribed or concurred in the use of tea.

Q. You first prescribed morphine and blue pill? A. Yes.

Q. What else during his illness? A. A weak solution of ipecac with an aromatic to allay purging; the purgative pill was mostly aloes and rhubarb and one grain of the extract of mandrake; the blue pill is mostly mercury, it is a mild form of mercury; don't recollect the exact ingredients.

Q. What quantity of arsenic is sufficient to produce death? A. From three to five grains; there are instances where two and a half grains caused death.

Q. What was the composition of the morphine? A. It is the essence of opium; I gave him also blue mass.

Q. What is blue mass? A. It is blue pill.

Q. These are all you prescribed—morphine, blue pill, ipecacuanha, slings, bread, water and tea? A. Yes, sir.

Q. Arsenic is not a cumulative poison, is it? A. In some cases it is.

Q. If a person took a quantity one week, insufficient to produce death, another dose a week later, do you say it would produce death? A. I do not; arsenic, if rubbed upon the surface of the body, will find its way to the liver and stomach; it will also find its way there if inhaled in the air.

Q. Are there not cases of poisoning caused by persons sleeping in rooms papered with green paper? A. There are cases where they have been affected, but not killed.

Q. Have persons not been poisoned from eating colored confectionery? A. I am not aware of cases.

Q. Does arsenic enter into the coloring of confectionery and toys? A. Yes.

Q. What did you mean when you asked Sherman if he had not been

taking something? A. I wanted to get at the cause; Thursday morning I had my suspicions that he might have swallowed something deleterious and destructive to life.

Prisoner here prompted counsel.

Q. You say there was a lull on Thursday morning in the symptoms; did you attribute it to the medicine? A. I did—at least I hoped it had.

Q. Is it not common in cases of arsenical poison that the symptoms fluctuate—that they are more severe at one time than another? A. Yes.

Q. So that it is not necessary to repeat the doses to cause these fluctuations? A. It is not necessary to repeat them.

Q. Where was the body from death until Saturday when the post-mortem was held? A. It was in the front room where he died; after that I do not know where it was or in whose charge; I took no part in making the incisions; but I assisted in tying it and packing it.

Q. Did you examine the cloth (wrapper) around the stomach to see if there was anything on it? A. I did not; but had there been I would have observed it; I first saw the wrapper in the room; Dr. Kinney brought the cloth there, I understood.

Q. Did you examine the jar in which the stomach was put, with a view to see if it was clean? A. I did.

Q. With a view of seeing if it was clean? A. Yes.

Q. Was there a tinge of green in the jar? A. I don't recollect; I think it was not.

Q. Did you see the jar washed? A. No.

Q. And you never had the custody of it? A. No, sir.

Witness was here cross-examined at length as to how the liver was packed after its removal from the body.

Q. Had you the custody of the box at any time? A. No, sir; not after I left the room; what became of it after Dr. Kinney took it away I know not.

#### TESTIMONY OF HORATIO SHERMAN.

Horatio N. Sherman sworn.—I am twenty-one years old; reside in Boonton, N. J.; have lived there since the 25th of last May, and previously lived in Birmingham; I am a son of Nelson H. Sherman; I resided with my father in Birmingham up to the time of his death; my father, brother, sister, myself and prisoner and the servant girl were the occupants of the house; father was taken sick on Monday evening before his death; he left home on Wednesday, the second week previous, and did not return until Friday of the week before that on which he died, so he was absent one week and two days; while father was in New Haven I did not know where he was; on the day he returned I told the prisoner I thought I had better look for father; she said it was useless, as I might

not find him when I got to New Haven; I had to urge her several times before she would give me the money to come to New Haven; she finally gave me the money, and I came down on the 9.15 train; came to the Park House to find him; did not find him; proceeded to the depot; stood there some time, as it was raining; walked toward the west end of the depot, and while looking out of the door he and another gentleman came along; I took him one side and asked where he had been; I walked around with him till half-past four or five P.M.; went to the Park House leaving the horse and carriage at the depot; he had a horse and wagon here all the time he was in the city; we went home in the evening, arriving at the Union House, Derby, about ten minutes after seven; he got out of the wagon and entered the hotel; he refused to go home with me right away; I left him and started for home; he took dinner with me on the day of his return, in this city; he was perfectly sober on that day; when I arrived home I asked the prisoner if he had been home; she said he came about nine o'clock that night, or an hour before I arrived; I had been home to supper after leaving father, and had gone out and remained down town until about ten; when I returned home the prisoner told me he was in bed; father remained in the house on Saturday, and did not go to his work during the day; I think I saw him at his meals on that day, but am not positive; he seemed to have as good an appetite as usual on Friday; on Sunday he remained home until after three P.M., when we dined; I saw nothing unusual in his manner that day; on Monday, he was at work; his business was a tack-maker (tending machines and keeping the machines in repair); he was in the employ of E. L. Shelton, where he had been for twenty years; on Monday he was hanging a grindstone for the purpose of grinding his tools, there was nothing unusual in his manner that day; I took breakfast on Monday morning before he got up; went down to the factory, and he came down afterwards; the machines not being running I left the factory, went up town and returned to the factory about eleven o'clock; he asked me to go up and tell Lydia (the prisoner) to send down his dinner; went to the house and told prisoner that father wanted his dinner sent down; I ate my dinner, and she and I prepared his dinner; I took up the shad and handed it to her, and she prepared the rest of the meal, which was put in a small basket, I took the dinner to the factory; left it with him; on returning he said he had eaten all but two or three crullers; that he would eat by and bye; I remained about the village till supper time; partook of supper and went out without seeing him, as he was not yet home; at that time, prisoner, my brother, and the girl were present; don't know who proposed the supper; next saw him about half-past seven that evening at the drug store, on the corner, where there was an outdoor auction; he was reclining against the box of a tree; he turned around and left, and I saw nothing of him until I got home, about nine o'clock in the evening;

I inquired of prisoner if he was in, and she told me he was sick, that he had been vomiting; I went to the door and spoke to him, and he also told me he had been vomiting; I said no more, but went to bed; next morning (Tuesday) he requested me to go for the doctor; this was between seven and eight; I went for Dr. Beardsley, who was absent, but I found him at the drug store, and told him my father wanted him to come to the house; I did not return until dinner time; I then inquired how he felt, and he replied "very bad;" I then returned down street, and did not go home until supper time; that evening and also the next morning I spoke to him, and on Wednesday I stayed very close at home; I asked from time to time how he felt; on Thursday I was at home and remained in the sitting room with his mother (Mrs. Sherman), and the prisoner (Lydia) told me he had had a spasm; they both requested me to go after Dr. Beardsley; he was not in; I returned and told both women that he had left; old Mrs. Sherman requested me to call Dr. Kinney as soon as possible; I found him absent and returned and reported to them that I had left orders for him (Kinney) to come the moment he came back. Dr. Kinney came about dusk to the house; think Beardsley had been there before; the prisoner and servant were there in the kitchen; old Mrs. Sherman asked Dr. Kinney the cause of his sickness, and he replied that he was a very sick man, but I do not remember that he stated the cause of the illness; Friday morning, he died.

Q. Who had the care of him? A. The prisoner had sole care of him in that sickness until Thursday noon, when Mrs. Sherman, his mother arrived.

Q. And after that, who? A. They both assisted in his care.

Q. Did your grandmother prepare anything for him? A. Not to my knowledge.

A recess was then taken until two o'clock.

#### CROSS-EXAMINATION.

At the cross-examination of young Sherman, he testified that his father's spasms were very unusual, and that he had never had any before; his father did not sleep with his mother, owing to some trouble; witness did not know when they were married.

#### DR. KINNEY'S STATEMENT.

Dr. Kinney was next called. He attended the deceased on Thursday night; found him suffering with all the symptoms of arsenical poisoning; there were vomiting, purging, peculiar breathing and huskiness of voice; made up his mind that deceased had taken poison; gave a prescription of sub-nitrate of bismuth, to allay pain; thought there should be a post-mortem examination Mrs. Sherman consented; she did not know that he took

out the liver and stomach and took them to New Haven; he told her that the post-mortem showed inflammation of the stomach.

Dr. Kinney's evidence was substantially the same as Dr. Beardsley's.

#### TESTIMONY OF DR. KINNEY.

Reside in Derby; have been a practising physician nineteen years. Resided half a mile from Sherman; had known him eighteen or nineteen years; I saw Sherman first on the 11th of May, the night before he died; found him very sick; learned also that Dr. Beardsley had attended him for two or three days; requested that the doctor might be sent for; proceeded to examine the case. He was suffering from intense thirst, constant nausea, pain in the region of the stomach, with occasionally a tendency to go to stool; the vital parts appeared very much depressed; the extremities were cold; he had difficult and peculiar respiration; could detect no pulse at the wrist; asked him how long he had been sick, and he told me since the previous Monday; learned from him that he had worked as usual, and that after supper he was taken with pains in the head and vomiting. I understood that those symptoms had continued up to the time I saw him, except the headache; the vomiting, nausea and purging had continued; the purging had been slight; that there had been no copious discharges, it was more of a disposition to go to stool; inquired particularly of Mr. Sherman if he had enjoyed his usual health up to the time he came home to supper, and he said he had; I was unable to account for his symptoms, except on the supposition that he had received some irritable poison; he had the symptoms of no disease with which I was familiar; the friends asked me what his disease was; Mrs. Sherman and Mrs. Hubbard asked me, more particularly Mrs. Hubbard. I declined to give an opinion, saying that I wished to consult with Dr. Beardsley before giving an opinion; went round to the doctor's house; think I went twice and did not find him; was anxious to find him to consult with regard to the fact of the poisoning; went back to Sherman's after going to find Dr. Beardsley; was there something like an hour; was satisfied that nothing could be done to save the man's life; left a simple prescription to allay the pain in the stomach and alleviate the man's sufferings; then returned home and saw nothing more of the case; questioned Mr. Sherman as to his condition previous to his attack; asked him if he was perfectly well and if he had been drinking away; he said he had drunk some but not excessively; asked him if his appetite was good; said it was; asked if his stomach had been depressed, and he said it had not; asked if he had bilious trouble, and he said he had not; could not find but that he had been in perfect health up to the time of the attack; inquired of the prisoner about his health; she mentioned that he had been on a debauch and that she expected it would kill him; Sherman's voice was husky and he could hardly speak above a whisper;

it was a peculiar voice, and I hardly know how to describe it; he complained of sore throat and intense burning in the throat; the respiration was irregular, accompanied by constant sighing; could not say what his supper was; he did not tell me what his treatment had been; she told me Dr. Beardsley gave him medicine, but did not state what it was; she said she had given him brandy and water and some tea; my opinion at the time was that he was dying from arsenic; could not explain his symptoms by any known disease; I found Dr. Beardsley the next morning, and it was agreed to hold a post-mortem; the result was I went over and saw Dr. Shelton; after we arrived at the house, Dr. Shelton, Beardsley and I, we found the body laid out in the parlor; we exposed it; there was nothing peculiar about its appearance; I made an application to the prisoner to make a post-mortem and said the case was peculiar; she made no objection; she said it was peculiar and she would like to have it done. [Witness testified about taking out the stomach and liver and putting them in a cloth and then in a jar and box.] Took the box to Dr. Barker's at his office in New Haven; the prisoner was not aware that we took away a part of the body; the cloth was new and clean; the jar was a new glass jar that never had been used; the box was a wooden one about sixteen inches long, twelve inches wide, and eight high, and furnished with a lock and key; think it was clean; after taking out the parts of the body I drove directly to New Haven and gave to Professor Barker, who removed them from the box while I was there.

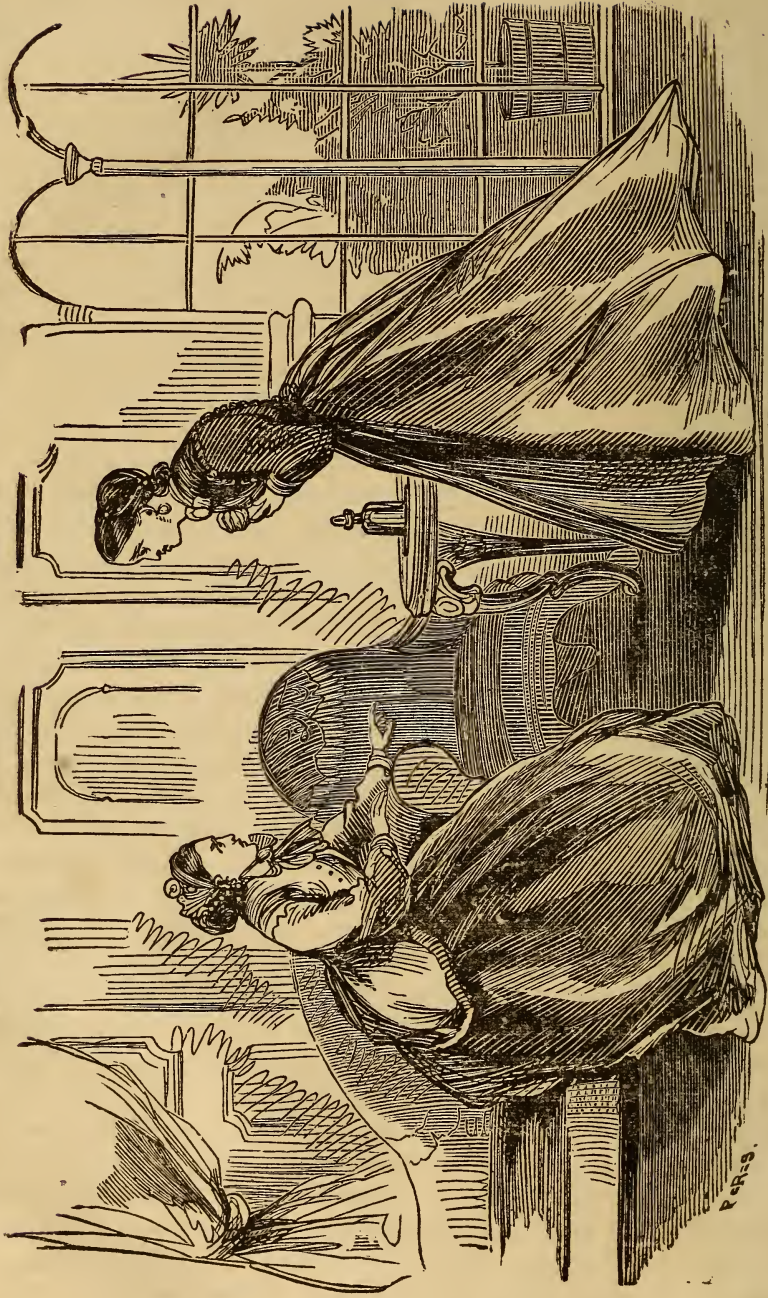
Cross-examined by Waterous: Mrs. Sherman asked what we found, and I replied not much but inflammation of the stomach; she asked me if it was the result of drink, and I said perhaps so; I intended to evade the question; don't recollect that I said the inflammation might have been caused by a cold. [Witness was questioned about the details of the post-mortem, the counsel acting somewhat pettishly.] The box had not had medicine in it for four years; it had been standing in my garret. [Witness detailed how he found the box and what he did with it, and about leaving it in Professor Barker's office and waiting for the Professor.] I unlocked the box and gave the contents to Professor Barker and brought the box away.

Q. What symptoms did you observe in Sherman on Thursday that you never had seen in a sick person before? A. The respiration; it was peculiar; had never seen such before; it had a tendency to syncope; had seen irregular respiration before, and sinking before, but not such peculiar irregularity; cannot describe it; it was the difference and the combination of symptoms. [Counsel objected to a reference to the combined symptoms, and desired to speak of each by itself.] There was no difference in cases seen before; there was more sighing than I had seen before; it was very variable; cannot describe the peculiarity of the manner of the sighing.



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"The whole neighborhood, Mrs. Sherman, believe that you POISONED YOUR HUSBAND!"—(See Trial.)  
Die ganze Nachbarschaft, Mrs. Sherman, glaubt, daß Sie Ihren Mann vergiftet haben."—(Siehe Verhandlung.)

Q. What other symptoms did you observe that you had not seen in other cases? A. It was not one symptom but the combination of symptoms.

Waterous.—I don't want you to argue the case; I don't inquire about the combination of symptoms.

Dr. Kinney.—Excuse me, sir. I did not know I was arguing the case.

Witness.—Purging is one of the symptoms of poisoning, also vomiting; never had a case of arsenical poisoning in my practice before; as I understood the case from the attendant there had been a disposition to go to stool and a little evacuation; he told me this, also Mrs. Sherman. If there was no purging, then there would have been one of the symptoms absent upon which is based the opinion that the case was one of poisoning. If there had been no purging I should still have been of the opinion that there had been arsenical poisoning. [Witness recited the symptoms that would give rise to this opinion in this case if purging had been absent. He also indicated how the symptoms differed from those he had ever seen before.] The prescription I gave was subnitrate of bismuth, hydrocyanic acid and mucilage; some English bismuth has arsenic in it. I did not see the prescription myself.

The court then adjourned to 9.10 A. M. on Thursday.

### THIRD DAY.

On Thursday, April 18th, the trial was reopened. Dr. Gould A. Shelton gave testimony touching the poisonous qualities of bismuth. Mrs. Sherman, mother of the deceased was called. The witness was a bright-looking old lady, ready to tell her story faster than lawyers or judges could take it down. She made some very sharp replies, which tended to relieve the monotony of the examination. She was anxious to express her opinions, as well as what she saw and heard, and evidently entertained very decided views in reference to the matter. She testified: I was only at the house of the prisoner at the funeral of my grand-daughter Addie, in January, 1871, and at the sickness of my son; I first saw the prisoner at the funeral of my grand-daughter; she then told me that if things did not go on differently she should leave my son, as she had money and friends; she made this remark without provocation on my part; I did not see the accused or my son until about 11.30 A. M. the day before he died; he was very glad to see me, and the relations between himself and wife appeared friendly; he was much distressed in stomach, and his throat smarted badly; his voice was very husky; the prisoner gave him all of the medicines.

Q. What were the medicines? A. I knew nothing about them, and was not told; I knew the doctor ordered some brandy for him, and that he had it, but did not give it to him; heard that the doctor ordered the

brandy; thought there was a very peculiar effect upon him after drinking a cup of tea.

Q. What was the peculiar effect of the tea? A. He put his hand on his stomach, and said, "O my God, my stomach," and fainted away; he said "Fanny."

Q. You speak of fainting. did he faint entirely away? A. He did, and when he came to, he said, "I never expected to see you, my dear;" and I said the same, and then I made the remark—

Waterous.—Was Mrs. Sherman there? A. Yes she was there; I made the remark that it was strange that the tea should make his stomach smart so after taking brandy; I thought it was a very strange sensation.

Q. Was there any reply made to that, ma'am? A. I don't remember that there was; had not seen him take brandy before he took tea, that I remember.

Q. How did you know that brandy did not have such an effect? A. Because Mrs. Sherman said she had given him brandy, and there was no such spells.

Q. What time did your son die? A. I think it was a little before eight o'clock, Friday morning.

Q. Who took care of him that night? A. The prisoner did.

Q. If anything occurred after your arrival there about money between yourself, the prisoner and Nellie, you will please state it? A. I was in the room with my son alone, standing by his bedside; he said to me, "Mother, hand me my wallet in my pants' pocket," and I did so; and I had some trouble in getting it, because the pants were so high; and just as I got it, I heard the prisoner's step on the stairs in the basement, and I knew by the way he asked for it, that he did not want her to know of it.

Q. State what first took place? A. He looked around the room and said, "Where is my wife?" I said, "She is in the basement."

Q. That is the first he said? A. That is the first.

Q. What then? A. He said, "Hand me my pocketbook, mother, in my pants' pocket."

Q. What did you do? A. I threw it into his bed, and he put it under his pillow.

Wooster.—Well, you skip a portion. A. Well, I am telling the truth, aint I?

Q. Now then, what was the next step you took? A. I took it and threw it to him, and he put it under his pillow.

Q. How did you get it? A. I had to go to the foot of the bed, and pull away a portable sink, which made a considerable noise and trouble, and I succeeded in getting the pocketbook, and threw it to him.

Q. Why did you throw it? A. Because I heard the prisoner on the stairs and I knew by the way he asked for it he did not want her to

know; the pants were at the foot of the bed where my son lay; on a hook on the wall; had to remove the sink because there was not room.

Q. Did the prisoner immediately come into the room? A. She did.

Q. What did your son do with the pocketbook while she was there, or before he came in? A. He put it under the pillow before she came in.

Q. How near was she in? A. Pretty near; he had just time to get back to his pillow before she got in.

Q. Was there anything said after she came in? A. My son asked for a knife.

Q. What did the prisoner say? A. Don't recollect that she said anything; the knife was not there; I was standing at the foot of the bed, near where the pantaloons were; I examined the pantaloons for the knife; nothing further was said about the knife; told him there was a key there, and he said, "Hand me my keys;" she did not remain a great while—not half an hour.

Q. What followed after she left the room? A. As soon as he discovered she was gone, he said, "Mother, take this money, and give it to Nellie (Nelson), and tell him to take it, and make good use of it;" I said, "I will."

Q. If he said more, state it. A. A short time after, I had an opportunity to give it to the boy, and I said to him, "Tell your father that you have received this package of money, and it will be all right;" I was in the room with my son a while afterward, and I told him I had given Nellie the money, and he said, very well.

Q. What followed in reference to that money after death? A. The next day after the death, on Saturday, the prisoner was in the sitting-room and she said, "Mother, you have that money of Nelson's," and I replied, "No, I have not." She asked me about it, and I told her I gave it to the boy, and she said it was very strange; for Nelson had told her she should have it. She said that he gave it to me to give to her; I told her I might be mistaken, but I did not think I could be any way; she seemed rather surly toward me for some reason or other.

Q. What else took place in reference to the money? A. Nothing more took place between her and me, except that she called for the money of the boy, and I advised him to give it to her rather than have trouble, I saw was ahead; she said she thought she ought to have it. He did not say much of anything. She said she needed it very much indeed to pay her bills, and that she had no money short of Bridgeport; I told him to have nothing to do with it if he wished to give it up; he told her that he needed it very much indeed; she looked it over, and gave him five dollars. He said that there was a number of articles that he needed; don't know how much money there was, but my grandson told me there was \$105. He gave her the pocketbook with the money. Was sitting on the day of my son's death in the sitting-room with the prisoner when—

Mr. Waterous interrupting, said the testimony from the ruling up to this point came in under the exception taken. It was all objected to.

Witness: The prisoner said to me, "I had about made up my mind to leave Nellie, but as things have turned out I am very glad I did not." I remarked to her, that I was very glad she did not; there was no conversation to me when the subject of divorce was alluded to; there was no other conversation, except one before he died. I made the remark, "the room was very damp, I would not have thought you would have slept here," and she said, "Oh, I haven't slept here for several weeks. Nelson and Nattie slept here."

Mrs. Lydia Sherman resumed under cross-examination: Mrs. Sherman soon went down stairs after she came up; don't know that she made any errand up.

Q. How long after she went down the second time was it before she returned? A. About twenty-five minutes or half an hour; do not know that she brought a mustard plaster when she did return.

Q. Did Nelson speak of her in connection with that money? A. He asked where prisoner was, and said, "give me my wallet;" he said nothing more that I recollect; Nellie was not in when Mrs. Sherman spoke to me about the money on Saturday; it was some time in the course of the forenoon; he soon came in after that; I said something to him about the money, and he handed it over; I advised him to give it to her.

Q. Had he the money on his person at that time? A. Yes, sir, I think he had.

Q. Did he not say, "It is up stairs, I will go up and get it?" A. I cannot say. It had been in a box up stairs, and he had showed it to me; I do not know whether he had it on his person or not, or whether he went up stairs after it; don't remember; it was in the pocketbook when he showed it to me up stairs.

Q. Did he not go up stairs, and get the bills and bring them down, and lay them on the table? A. There were only two bills.

Q. Did he not bring them down and lay them on the table? A. I think he did.

Cross-examined by Waterous: Came to Birmingham on that Thursday in response to a telegram; it was signed by his son.

Q. When you arrived you met the prisoner first? A. Of course, I met her first.

Q. Do you remember after the greetings were over of telling her of a remark you made to your son in Brooklyn, before you left? A. I do not; please repeat it. Waterous: This in substance. I said to my son on receiving the dispatch, "I know that Nelson will not get well, for he has had several of these spells, and one of them will take him off." I think that is nearly it.

A. I think I did; was present when something was said about who should have the future care of Nattie; could not have been more than a half an hour before my son died; Mr. Hubbard was present, who lives in the upper part of the house, the second time it was repeated.

Q. To whose custody did he commit the care of the boy Nattie in your presence? A. To the care of the prisoner.

Q. Do you remember what he said? A. I do; he said, "I want you to promise before God and man that you will protect this dear boy of mine," and she said, "I will;" he repeated it twice over, at my request, the second time Mr. Hubbard was present; I called him in from an adjoining room to hear it repeated.

Q. Had your son Nelson any property at that time, except the \$105? A. I could not tell you; I don't know anything about it.

Q. Why did you request Nelson to repeat the injunction to his wife? A. Because I wanted another witness.

Q. That was about the last act of his life, was it? A. Yes, sir.

Q. Was his mind clear then? A. Very.

Q. Do you know what Mrs. Sherman was doing in the kitchen when you got the pocket-book? A. No, sir; she made no inquiry about the noise I made.

Q. Did you then inquire of him what he had done with the other seven bills? A. I don't think I did. He said he had counted the bills, and said he thought his father must have been mistaken, as there was but \$105.

Q. I understand that Nelson drank some tea and immediately fainted? A. Yes sir; he did.

Q. What was done with the tea left in the cup? A. I do not know anything about it.

Q. Do you not know that the cup was placed on a chair? A. No, sir; I do not. Nothing was said about its being hot.

Q. Did not this occur; when he took a swallow and began to be faint, did not his wife put the tea down on a chair, and after he came to, did not Mrs. Sherman say, "What is the matter, Nelson, is it too hot?" and then taste it and say, "No, it is not?" A. Do not recollect any such remarks.

Q. You will not swear that she did not taste of it at that time? A. No, sir; I will not. I was in the room when he took the tea, standing near him; was not as near to him as his wife was; did not see the tea administered to him at any other time; saw medicine given to him, but did not know what it was.

Q. When was it you saw him faint after taking tea? A. It was at that time when I saw him take the tea, and he said, "O my God, my stomach! how it smarts!"

Q. I suppose you will go on till you find a place to stop. Now, then,

When was it? A. It was Friday morning, between seven and eight o'clock; he died about eight; did not sit up with him that night; Mr. Hubbard was there at the request of my son; I arose between six and seven.

Q. Did you hear Nelson when he said that morning in the presence of his wife and Mr. Hubbard, and perhaps Mrs. Hubbard, "Why don't I die? I ought to?" A. No, sir; never heard any such expression.

Ellen Harrington was called and testified that she lived at the Sher-  
mans' at the time Mr. Sherman died; had lived there a number of months  
previously and lived there until three weeks after Sherman's death; was  
away in Ansonia the day Mr. Sherman was taken sick; returned after  
supper; did not assist in getting supper; I might have helped cook the  
dinner that day, but don't recollect.

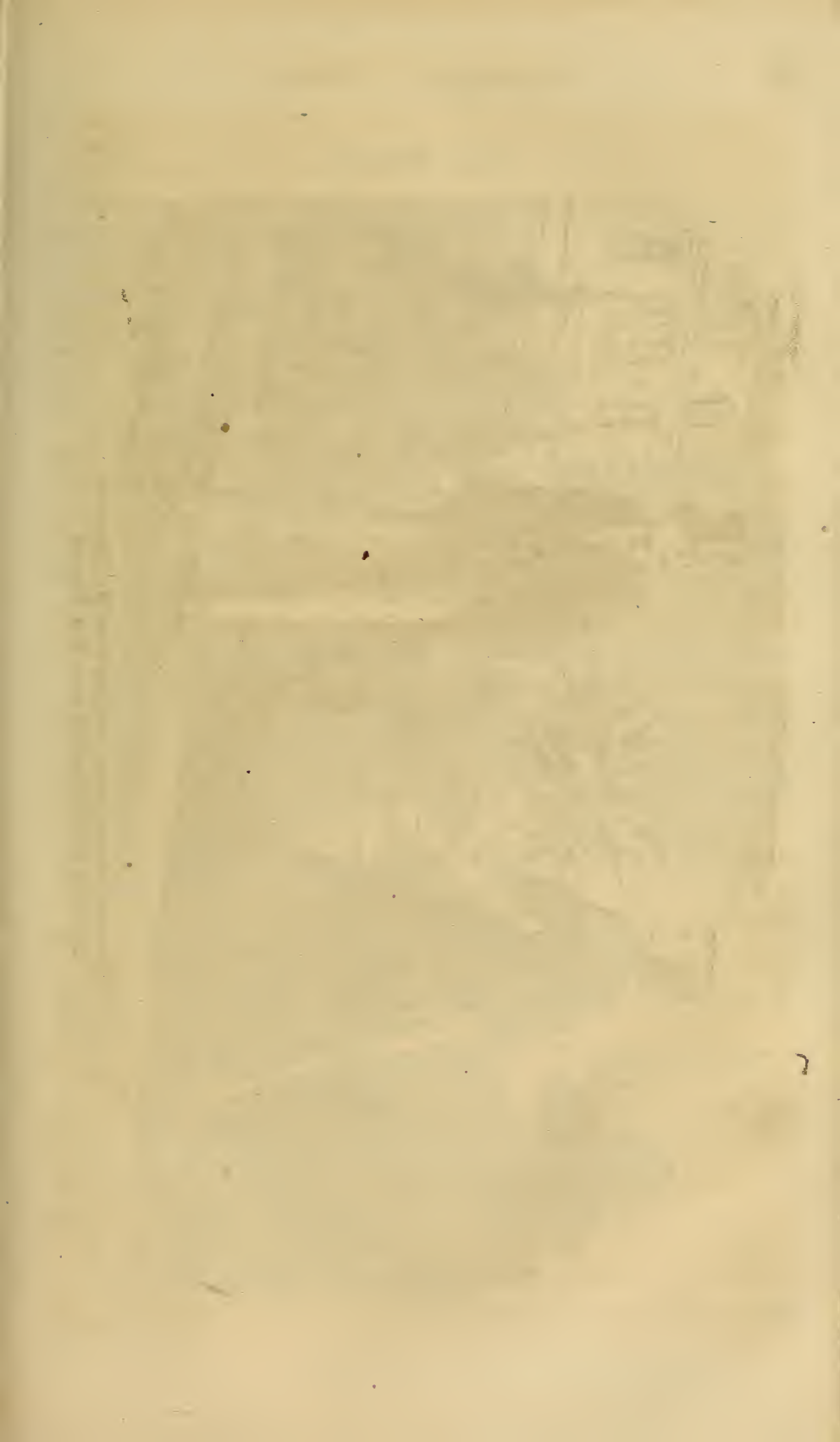
Cross-examined: Think the prisoner and Mr. Sherman treated each  
other kindly.

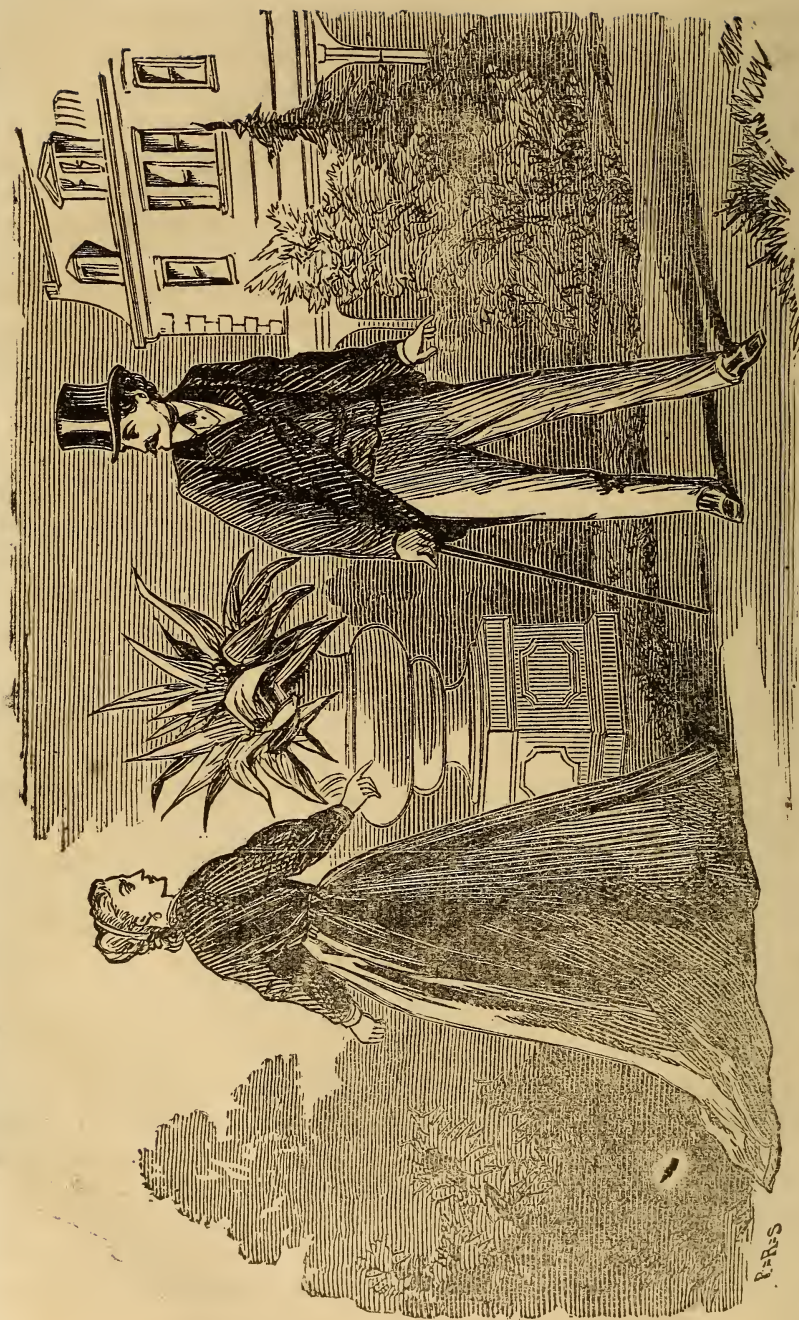
George H. Peck was then called:

I have been druggist at Birmingham for eight years; I think the  
prisoner has been to my store to buy arsenic; cannot fix the time defi-  
nitely, but it was in the warm spring days of 1871, perhaps several weeks  
before the sickness; I do not generally weigh it, as I dislike to put it in  
the scales; I poured out three-quarters or one ounce, tied it up and gave  
it to her; I remember the time, not exactly, but it was after the warm  
days had come, and the store doors were open; when Sherman's death  
occurred I remembered that but a little before I had sold it to his wife;  
it was fixed in my mind by calling upon her at her request at her house;  
my memory was refreshed as to the sale of the arsenic to her by this  
call; I think Nattie, the little boy, a bright child was with her, when she  
purchased it; she remarked in purchasing arsenic that they were over-  
run with rats, and she inquired what was best to kill them; I mentioned  
several exterminators, and may have suggested that arsenic was as good as  
others and cheaper; I think she may have said that she did not like to  
have it around; I do not remember whether I gave her any instructions,  
but often do; Mrs. Sherman sent for me the last day of the examination;  
I went to her house, not having been informed what she wished to say to  
me; she admitted, without objection, that she had purchased arsenic; at  
my visit to her house she recalled purchase of arsenic and circum-  
stances as above stated; I think I told Mrs. Sherman before going to her  
house that I did remember the purchase, but she recalled it to my mind  
at the house.

Professor George F. Barker was the last witness. He testified to the  
examination of the liver and stomach, as given at the head of the report,  
finding 0.485 grain of white arsenic in six and two-third ounces of liver  
—equal to five grains for the whole liver.







The Doctor grows suspicious, and interviews Mrs. Sherman.  
Der Doctor schöpft Verdacht und befragt Mrs. Sherman

W. W. W.

## FOURTH DAY.

The fourth day (Friday, April 19th) of the trial of Mrs. Sherman was mostly devoted to an investigation into the results of the chemical analysis of a part of the body of the deceased, and was specially interesting to gentlemen interested in the sciences, as well as others. Professor Barke was on the stand nearly all day, and seems to have about exhausted the scientific questions in the case. There was present during the day a large audience, crowding the court-room full both within and without the bar.

Many ladies were present. As the case proceeded, the public interest appeared to be largely increased, and the trial became the leading theme of conversation.

In the course of his examination, Professor Barker went into an explanation of the nature of sulphide and oxide of arsenic, and how metallic arsenic is obtained. We append some very interesting portions of his testimony.

## HOW POISONS ACT.

Q. Is metallic arsenic poisonous? A. There is yet a question to be settled whether metallic arsenic is poisonous; the general principle is, that no metal in itself is poisonous; yellow and white arsenic are both poisonous; the white arsenic is more poisonous than the yellow.

Q. Have you any means of telling the quantity of arsenic in the stomach you analysed? A. The tissue of the stomach contained no arsenic; the contents contained an amount which, though I did not weigh it, I estimated—

Mr. Waterous stopped the witness, and objected to a guess. Objection overruled.

Witness gave the grounds for his estimate, and said: Judging from the bulk obtained from the stomach, the quantity present must have been about a tenth of a grain.

Q. Will you tell how long it takes arsenic to find its way to the liver

Witness said: White arsenic taken into the stomach is removed therefrom by absorption, and as it has not been detected in either the lymph or the chyle, therefore this absorption must take place by the blood. It has been detected in the urine within one hour after it had been taken. The liver acquires its maximum quantity, in the opinion of several authorities, in from fifteen to eighteen hours after administration.

Q. Does it pass off from the liver, or does it remain after once there? A. It is eliminated from the liver, and may entirely disappear in from eight to fifteen days after being taken, depending on the quantity and other circumstances.

Q. What is the maximum quantity the liver will contain in an adult?

A. I have no opinion on that subject. I think the maximum quantity the liver may contain is the quantity I found in this present case.

Q. From the quantity found in the liver how long must it have been taken before death? A. I believe at least fifteen hours; how much longer I cannot say.

Q. From your examination do you think that more was given than you found, supposing the arsenic to have been administered five days before death?

A. If there was vomiting or purging, portions of arsenic taken Monday night would have been removed before death on Friday. Of the quantity absorbed a considerable portion might have been eliminated during the five days by the kidneys. However, arsenic is distributed through the entire body, and the analysis of a single organ or two does not discover the arsenic elsewhere contained. For both of these reasons the amount obtained cannot have been the whole amount taken, and it must be less. When arsenic is taken more rapidly than it is absorbed or eliminated, then it may be considered accumulation in the same sense as apple pie if taken faster than it is secreted; if by cumulative is meant a substance which enters into a combination with other tissues, so far as to form a compound less readily removed than the original substance, then arsenic is not a cumulative poison. The arsenic found in the stomach, may have been, in my opinion, either the last traces of a very large quantity taken on Monday night, or the residue of a smaller quantity taken subsequently, which I cannot tell, but the latter appears to me the more probable. The first effect of arsenic is local; it is classified as an irritant and not a corrosive poison; that is, it inflames the parts without destroying them or perforating them. The local effects first produced cause local symptoms; these appear generally within an hour after the poison has been swallowed; they are burning pains in the stomach which, as the poison passes down, extends along the intestinal track; it increases in severity, is accompanied by a great thirst, dryness and constriction of the throat, vomiting and purging; by this time more or less of the poison has become absorbed; it enters the blood and produces a second class of symptoms called remote, the action being apparent upon the blood corpuscles and blood vessels. These symptoms are characterized by great prostration of strength, anxiety and depression of mind, a peculiar lividity of the face, the blue line under the eye, the intellect being as yet unaffected and the mind clear. Death may ensue at this stage on the action due to prostration; usually taking place under these circumstances from one to eight days. If life be continued, the effect of arsenic will be apparent upon the nervous system and brain, stupor passing into profound coma will develop itself, in case the action is primarily upon the brain, or delirium and convulsions, passing into chronic spasms, in case

the spinal cord is also involved, may precede death; all of these symptoms may not be present. The patient may recover from all these symptoms, which may be called primary, and may die from the secondary effects of the poison years afterwards.

Q. Will you state how arsenic passes from the stomach to the liver?

A. White arsenic when taken in the stomach is dissolved in the stomach and intestines by gastric and intestinal juices; spread out upon the posterior surface of these intestines is a set of blood vessels which compose what is known as the portal system. The arsenic passes into these blood vessels through their walls; these vessels unite them to form the large trunk, as the portal vein which empties itself directly into the liver, so that this organ is not more fully supplied with blood than any other, but it is supplied with blood charged with arsenic from the intestines; hence the liver is more likely to contain poison than any other organ; it passes from the liver into the general circulation, thus producing its remote effects; it does its fatal work most probably upon the blood itself, disintegrating the blood corpuscle, thus rendering the blood unfit to perform its functions.

Q. What quantity of arsenic would be fatal in an adult? A. From two and a half to two grains. A less quantity has been fatal, and more has been taken without producing death.

Q. When persons die from the secondary effects, would arsenic be found if the parts were analyzed? A. No, sir; I think not. Persons have died in eight days from the primary effects and no traces of the poison have been found on analysis.

Q. Assuming the testimony of Drs. Beardsley and Kinney to be true, in connection with the analysis, what, in your opinion, was the cause of the death of Nelson H. Sherman? A. Assuming the stomach and liver I analyzed to be those of Sherman, my opinion, in view of the symptoms stated, is, that he died from the effects of a dose of arsenic.

Witness stated the result of analysis of bismuth sent by Dr. Kinney, and said he found no arsenic in it; he also analyzed the bismuth found in the stomach of the deceased, and found it to be pure bismuth.

Professor Barker testified further in regard to the effect of arsenic upon the lungs, heart and bowels, and explained how pain followed from the various parts as the poison made its progress from the throat to the intestines; faintness occurs; purging may be wanting in some cases; convulsions are exceptional, as is also delirium.

Cross examined by Waterous: Was appointed professor of toxicology in 1867; never saw a person die by arsenical poisoning and never saw one under the influence, and have had no experience of it as a medical practitioner; learned of the symptoms described from books and testimony I have heard; commenced the analysis which gave the sulphide of arsenic on the 6th of November, 1871, and finished on the 23d; the liver

delivered to me was in my laboratory from May 13th to November 6th, hidden behind some bottles in a sealed jar in a cupboard, and the cupboard was locked, and the laboratory was locked, and no one had a key but myself and the janitor; I completed the first analysis about the first of July; students and persons in general are not allowed in the room; told the janitor that the cupboard door was not to be opened by him or any one else.

Mr. Waterous commenced asking a series of questions designed to ascertain what directions or information the witness received on getting the liver, and a sharp tilt followed between counsel and witness, and the latter testified that he was informed that arsenic was suspected to be in the liver, that he commenced the examination with a view of finding a metallic poison, but not with a view to find arsenic. [There was a good deal of fine hair splitting at this point.] The higgling appeared to be over the inquiry whether in the analysis the professor was looking for arsenic, and he claiming that he was looking for no particular poison, and the counsel continually inquiring if he was looking for arsenic.

Witness.—Did not pursue the best method to find the presence of arsenic; used eleven chemicals; no means of telling their weight; the chemicals water, hydrochloric acid, potassium chloride, hydrogen sulphide, nitric acid, sulphuric acid, ammonia, ammonia sulphate, sodium nitrate, sodium carbonate, sulphurous acid; did not analyze the sulphuric acid; knew what was in it because I tested it; previous use of the acid showed that it did not contain arsenic; it does sometimes contain arsenic; that is not true of sulphurous acid; used about half a fluid ounce of sulphuric acid in each operation; know that the yellow material is sulphide of arsenic, first, from the way it was obtained, and second, from the results of the tests which I applied to a quantity of the same substance obtained similarly; the contents of the tubes are proofs that the material is sulphide of arsenic; have no other proofs; the percentage of arsenic in the sulphide is sixty-one per cent., and the whole was six hundred and two thousandths of a grain.

At this point Mr. Jonathan Williard, one of the jurors felt faint and had to be given water. The incident caused some sensation for a few seconds. The court took a recess for a few minutes to give the juror opportunity to recover from the effects of the close air. Dr. Jewett was called into the jury room to see him, and in a few minutes he took his seat with the other jurymen, and the case proceeded.

Witness.—It is not settled among chemists that arsenic is a metal; the process and materials through which the liver was put would not produce arsenic of themselves; I know it would produce arsenic from tests similar which did not produce arsenic from the materials used; things in chemistry which were once considered elements have been found to be

compounds; it is not claimed by chemists that diamonds can be made; men claiming to be chemists have said so; I dispute their claim to be chemists; chemists in the Wharton trial did not differ totally as to the existence of antimony in the body, but they differed as to whether the amount was sufficient to cause death; it is not uncommon to find arsenic in bismuth; my treatise does say that arsenic is found in bismuth, and it is sometimes; if bismuth having arsenic combined with it was given the deceased, they would have been found separate in the body; bismuth is not a poison; it will not kill a man if taken into the stomach; the subnitrate of bismuth is the article I refer to.

[Waterous read from a book an account of the case of a man who took two drachms of bismuth by mistake, and had burning and purging, and died in nine days.]

Q. Do you believe that? A. Let me see the book; the book was handed the witness, and he replied, "I do not believe it, it has been contradicted."

Q. Do you know whether arsenic enters into the combination of the beverages sold over the bar, now-a-days? A. Do not know that; know that certain coloring matter in beverages have been said to produce bad effects something like arsenic; it is maintained by some toxicologists that arsenic will reach the liver if brought in contact with the body; after a sufficient lapse of time, arsenic applied externally will reach the liver; it is a fact that some solution applied to the head has poisoned; it is called Fowler's solution; have known one recorded case of a person dying by inhaling poison in a papered room; have seen recorded cases of two grains of arsenic causing death, and one case where two and a half grains did it; could not tell how long the arsenic had been in the liver; could not tell from any I saw in the arsenic how long it had been in the stomach; could not tell how long it had been there, or whether it had been put in there an hour before; I saw the stomach; had examined a human liver before May 13th, 1871, to find poison, and had found arsenic in one before that; the case was that of Frank Parrott, in Litchfield, early in 1870; also the Peck case in Kensington, which never came to trial; also examined a body in Albany, in 1863, and found arsenic; examined other cases and found poison, but have examined others and not found it; have noted three instances of deaths from arsenic in two hours; conducted the analysis alone; cheraline is used for coloring liquors.

Direct resumed: The poison found if taken previous to Friday would have operated before Monday night; know of only two recorded cases of death from nitrate of bismuth; one has been re-investigated, and found by competent authority that it was not bismuth that was given, but a white precipitate; the second case reported is not believed by the author of the book; Moneret says he gave it freely from two to six drachms to

## LYDIA SHERMAN.

children, with no evil effects; Wormley and Otto, both leading authorities, did not mention bismuth among the poisons; am satisfied that the materials I used did not introduce arsenic.

### TESTIMONY OF WILLIAM FORD.

William Ford called and sworn: Resided in Birmingham for seven years; knew Sherman; was at the time of his death an officer in Derby; Sherman was also; met Sherman the Sunday afternoon before his death at the Naugatuck depot, standing on the platform, said he had been to Providence, R. I.; had him go with me to Fay's saloon to see about a breaking in, and then to a wharf back of Bassett's shop, and watched a party there till after dark; stopped an hour at Peck's store, and then left him at his door at a quarter past ten, and never saw him alive again; could see nothing unusual in his appearance, and nothing indicating that he had been drinking that day; drank nothing that evening.

Cross-examined: Said to him that he looked pretty well for a man that had been on a spree; said so because I had heard he had been on one, not because of his appearance.

The Court then cautioned the jury not to read accounts of the trial in the newspapers, nor to talk with people about it, after which the court adjourned to Tuesday, April 23d, at 9.30 A. M. ✓

## THE CONVICTION.

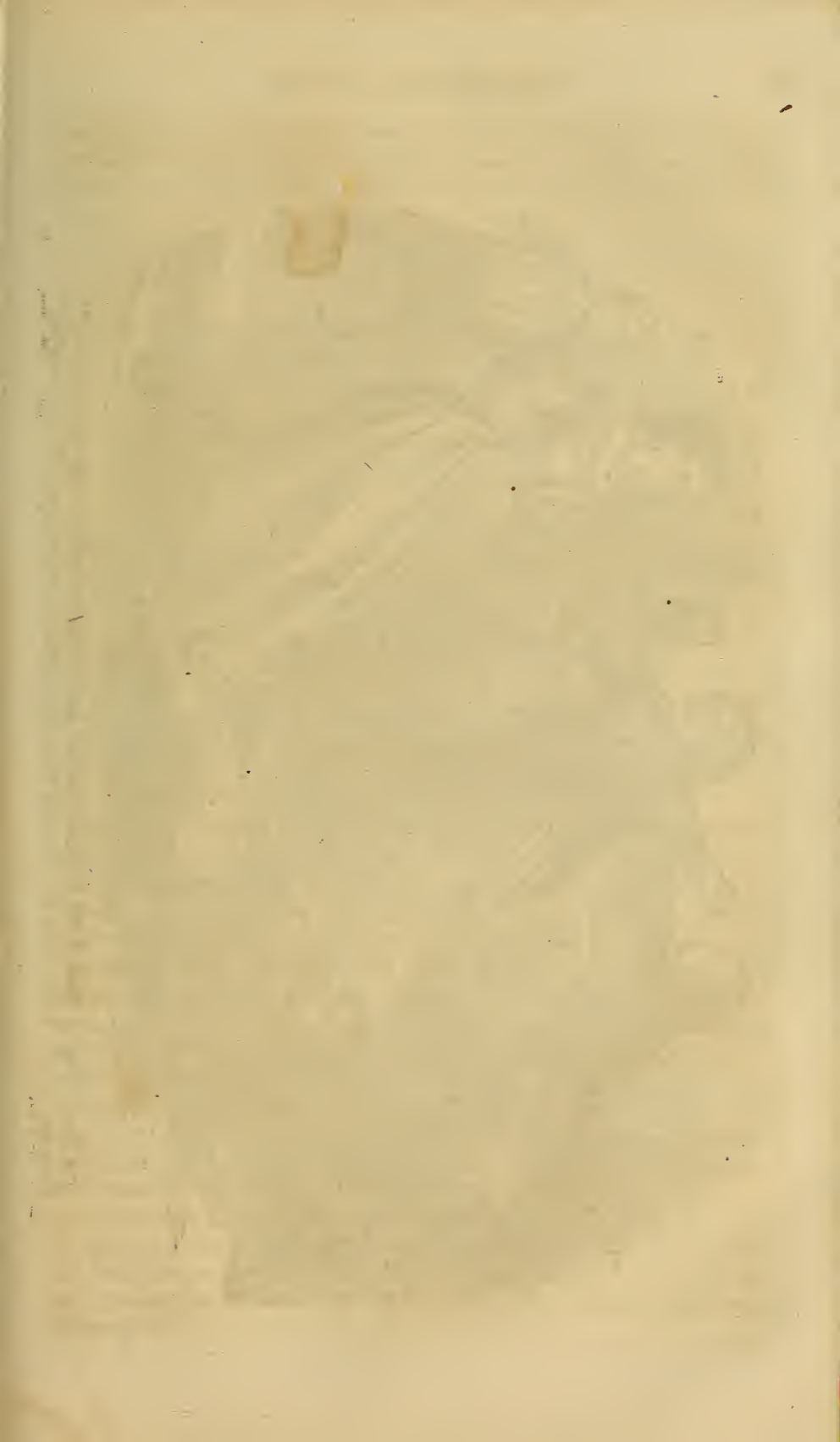
### HOW LYDIA SHERMAN RECEIVED THE DECISION OF THE JURY.

The trial of Lydia Sherman was resumed on Tuesday, April 23d. In the forenoon there were not many spectators present, but in the afternoon the court-room was filled, many ladies being present, both within and without the bar. As on other days, there was quite a sprinkling of ministers and doctors present among the persons within the bar. The prisoner appeared much as usual, with, perhaps, a little increase of a look of anxiety. The testimony went mostly to show the relations that existed between the accused and the deceased, and to clear up some minor points. The attorneys for the State at the close of the day rested.

### TESTIMONY OF WILLIAM S. DOWNES.

William S. Downes was called and sworn: Reside at Derby; knew Nelson H. Sherman, and worked for him for fifteen years before his death in Shelton's factory; was at work with him on the Monday previous to his sickness, hanging a grindstone, as late as five o'clock on that day. He seemed to be as well as ever that day, as far as I could see; nothing unusual in his manner that I noticed; we had some beer that day outside of the shop; should think we had two quarts; that was long in the afternoon; it was a stone pitcher of beer; there was about five of us who all







The Family Feud. Rage of Mr. Sherman's mother, and terrible accusation—"He was poisoned."  
Der Familien-Zwist. Entrüstung von Mr. Sherman's Mutter und die schreckliche Beschuldigung—"Er wurde vergiftet."

drank from it; think I was the one who drank last out of it, as I took care of the pitcher; there was nothing unusual in the beer, and nothing poisonous; I felt no effect of it; the last of it was drunk about four o'clock.

Cross-examined by Waterous.—Mr. Sherman did not go home to dinner that day; I did; he lived between an eighth and a quarter of a mile from the shop; think he lived nearer than I; I was gone about three-quarters of an hour; think he was at work facing up the stone while I was gone, he was at work when I went and when I came back, and should judge from the looks of the stone that he had been at work while I was gone; never saw him after five o'clock that day; sometimes he was off for a week; never knew him to be off over a week before; had those spells once in two or three weeks.

#### TESTIMONY OF GEORGE W. SHERMAN.

George W. Sherman called and sworn: Am a brother of the deceased, Nelson H. Sherman; reside in Brooklyn, N. Y.; resided in my brother's family in all about nine weeks previous to his death; it was not continuous; there was an interval between; the day of my first coming was the 25th of January, 1871, and I left about the 23d of February; the next time I was there was the 13th of March; the next time I went away was the 22d of April; that was the last time I was there.

Q. What were the relations of the prisoner to the deceased as to kindness while you were there? A. I noticed the first time I went there that they did not live happily together.

Q. State what you saw or heard. A. I heard them talk angrily at each other several times, and hard words were used; it was in the basement where it occurred, at the table; they had some angry words, but I do not know what the words were; they were so disagreeable to me that I got up and left, and I looked as I was going, and she was just rising from the table, and he was sitting at the table; I overheard loud words after I got up stairs; I mean louder words than usual; thought both used loud words; remember another occasion when they had angry words; that was the 16th of April, on Sunday; did not hear the whole of the conversation, for it was so disagreeable to me that I got up and went into the back yard, and when I came back they were still talking angrily; I heard him tell her she might take what things she brought and leave, or go, I forget the exact word; she replied, "Very well;" that was all I heard of the occurrence, that I remember.

Q. Will you state what you know about them not sleeping together? A. During my last stay there she called my attention to the fact that they did not occupy the same bed, and asked me if I knew it, and after that she gave me to understand, in different ways, that they did not occupy the same bed

Q. Did she assign a reason for it? A. When she first called my attention to it, I judge, from what she said, that she wanted Nattie to sleep up stairs, and my brother would not let him sleep away from him, and she said she preferred to sleep up stairs rather than sleep three in a bed; she said once, that while unwell, she lay outside of the bed, with her clothes on, and that my brother came into the room to go to bed, and when he saw her there on the bed that he reached over her, and got Nattie and carried him up stairs, and that he slept up stairs, and that she slept down stairs that night.

Q. During the time you were there, do you know whether he or she slept up stairs? A. It is my impression that once in coming down stairs I called at an up stairs room, and asked her how she was, and she replied; she complained to me about that time, that when she was unwell that my brother did not ask how she was; she complained a great deal about him; I remember on one occasion when she was talking about him, she said she had rather have him come home after he had been drinking, because he saluted her much more pleasantly.

Waterous.—You mean that she had rather have him come in drunk than sober. A. Yes, sir; that was what was meant. Not that she meant intoxicated, but after he had been drinking some.

Q. What was there about the saluting? A. She said that at such times he called her Tiddie; I remember another time when she said that he treated her the worst when he was the soberest, and she did not see through it.

Q. Do you know what Mrs. Sherman's feeling was toward her husband about their going into society? A. The remark was something like this: she was speaking about his not taking her into society; she said she knew that he did not love her, and did not respect her, and that he was ashamed to be seen on the street with her; we were in the sitting room alone; I remember when she was talking about his being away, that she said she supposed he was with other women; we two were alone in the sitting-room at that time; she talked twice that I remember about divorce; the first occasion occurred at the breakfast table when she and I were alone; then she talked about who to get, and talked about the different lawyers. The other occasion occurred in the sitting-room; she said she didn't like to get a divorce on account of what people would say, as she had been told about him.

Waterous.—Before she married him? A. That is what I inferred from the remark.

Q. Anything else occur to you; anything about money? A. On one occasion I recollect of her telling how much she let him have previous to the marriage; she said she let him have \$800; that she had used in the family what would come to about \$1800, with the \$800; when she was talking about his disappointing her before marriage, she said that he

## LYDIA SHERMAN.

promised to go down there and get married, and that he failed to do so; the remark then was, that she would not have had him at all if she had not let him have so much money; this was in the sitting-room when we were both alone; about a week before I went away for the last time before his death, my brother did not speak to the accused only when he could not help it, and sometimes he did not pass her food at the table, and did pass to all others; this is what I observed; it occurred several times during that week.

Q. Do you know anything about the prisoner inducing the deceased to join the temperance society? A. He joined the temperance division the night I did; Mr. Hubbard came in and asked my brother if he would go down, and he said "no;" don't remember that the accused said anything except to endorse what Mr. Hubbard said as "you had better go," or something like that; I called him to me and went into the entry-way, and talked with him about going down, and he finally went down and joined.

Q. How soon were you there after your brother's death? A. Came there on the 13th of May; he was buried on Sunday, the 14th.

Q. State if at any time while you were there she gave you any statement about his sickness and death. A. She first commenced with what he ate; she said he came home from his work, and he had eaten some fish that she had warmed up in the oven for him; she said he drank some chocolate, one cup I think, and she remarked that he did not drink as much as usual, and that he was very fond of it, and then she said that after supper he went out into the yard and smoked awhile, and finally came to the door and asked her if he should not get some spinach; she remarked after that that she never saw him so pleasant before, and he had been so ever since he got back; at that time she went on to tell about how he used to order provisions; said he usually went down and ordered such things as he wanted, and sent them up, and that was the first she knew what they were going to have; she said he came back from down street in about half an hour, and reported to her that he couldn't find any spinach, and that he came in and sat down on the sofa, and leaned his head on his hand, and that he remarked that he did not see what made him feel so funny; then she went on to describe what occurred that night, but I do not recollect it; she said that he got up and went into the yard and came in, and said he had been vomiting, and then went out again and came in, and said he had been vomiting again, and that it seemed to him that he had got rid of his supper and dinner too; on another occasion she said that the day Barnum's show was there, that she cleared the windows so that he could look out and see them, and that she propped him up so he could look out; she told me that once he was determined to get up, and she tried to persuade him not to, and she said he told her that he was not to lie there any longer, and that he attempted

to get out; that he got his feet and legs out, and attempted to raise his body up; that he fell back, and said he guessed he wouldn't get up.

Q. What was said about a cup of tea?

A. Of her own accord she said she thought a strong cup of tea would be good, and that she gave it to him.

Q. Did you hear anything said about arsenic?

A. I did. I remember being near the cellar door, and of hearing my brother ask her where the arsenic was; she says to him, "I have taken it, and taken care of it;" this was, I believe, during my first visit. The conversation was something about rats; heard some one say that they had tried it once on bread and butter.

Cross-examined: Nellie (Nelson) was at this time setting a trap in the cellar; did not hear her say, "the rats, I guess, have carried it off, paper and all." When I heard the angry conversation I did not leave the table until I had finished my supper; do not recollect anything that was said. The angry words on the 16th of April might have been about going to church; cannot say that she went to church Sunday afternoon; know that she went sometimes. Nelson did not go that I know of; she might have said, "I wish you would go to church sometimes," and he might have made an angry reply.

Q. Except these occasions was not Mrs. Sherman a kind and considerate wife to your brother? A. I cannot say that I saw much out of the way.

Q. Except these occasions is it not true that Mrs. Sherman treated her husband kindly and with due respect, and have you not said so before and after his death? A. I have not said anything to perfectly endorse her; except these occasions do not find that she acted very bad toward him. I don't consider that she did.

Q. Did you ever talk with Mrs. Hubbard about Mrs. Sherman? A. I did after my brother's death.

Q. Did you not say that Mrs. Sherman was a jewel of a woman? A. Never! (emphatically).

Q. And that she was not half appreciated there? A. Never.

Q. And that there was not one woman in a thousand that would come there and do as she did? A. I might have said that there was not many women that would come there and do as she did; I might have used the language without the word thousand; I think I did not say it. I went on to tell Mrs. Hubbard what she did do, and said I thought she had done about right.

Q. If you did not say a "thousand," how many women did you have in your mind? [Laughter.] A. My impression is I did not use it; I would not carry it up as high as that.

Witness testified how the parties slept while he was at the house.

Never heard that Nattie was brought down stairs to sleep because Nel-

he got in late; never suggested to Mrs. Sherman that she had better get a divorce, never talked with Mrs. Hubbard about a divorce; told her that I did not believe the rumors; I went there to bid her good-by; she asked me if I had heard of the rumors; no one requested me to join the temperance organization; the accused might have said I wish you would; she did not ask me to join for Nelson's sake; she expressed some desire that he should join; she did once and she might several times; do not know who furnished the money for him to pay the initiation fee; saw him pay it; I had no conversation with Mrs. Sherman about the fee; she never told me she would give Nelson money to pay his fee; don't know that she then gave him a five dollar bill; she told me that she had set out the bowl to have the doctor see the offensive stuff vomited; I inferred from what she said that she gave him but one cup of tea during his sickness; did not tell Mrs. Hubbard that Mrs. Sherman gave Nellie too much; might have said so; had an impression of that sort; she said she gave him money; heard it rumored after my brother's death that portions of his body had been taken away; I spoke to Dr. Beardsley about it, and found fault with him to this extent, that he did not let me know; never threatened to prosecute him; I felt indignant that the rumor should be on the street and the family know nothing of it; he gave me no satisfaction, as he should have done.

#### TESTIMONY OF ORRIN LATHROP.

Orrin Lathrop called and sworn: Reside in Birmingham; knew Sherman for seven years; last saw him on the Monday night previous to his death; it was on Main street in front of Mr. Henry Florence's grocery store, between six and seven o'clock; it is about six rods from Peck's drug store.

Q. Tell us what was his condition at that time? A. He was standing on the sidewalk with his hand against a tree; I said "good evening" to him, and he turned around and said "good evening;" he was pale and I asked him what was the matter with him, and he said he felt sick in his stomach, and he guessed he would go home; I left him there and went around to the post-office. Did not see him again till I was called on to watch with the corpse; he did not start for home before I left him; do not know that he had vomited. No cross-examination.

#### TESTIMONY OF MRS. MARY JONES.

Mrs. Mary Jones called and sworn: I reside in Abington, Mass.; was the mother of Sherman's first wife; was an inmate of his family from the 28th of June, 1863, to 22d December, 1870; left his house for Boonton, N. J., on the 22d; that was my former residence; I am a widow; was afterward an inmate of his family; I received a telegram from him on

the 30th of December, saying his daughter was very sick; came quick; I arrived there on the 31st, in the morning, and his daughter was dead; remained there a week and one day; received a telegram on the evening of the 12th of May, 1871, saying that my son-in-law was dead; I got there on the 13th; remained until the 6th of June.

Q. State what were Mr. Sherman's habits and sickness, if he had any?

A. He was a man who occasionally made a bad use of liquors; sometimes it would be a good many months when he would not taste a drop, and then it would not be as long; have known him to go over a year a good many times.

Q. Describe what sickness he had, and the nature of it? A. Don't know that I ever knew Mr. Sherman to be sick while I remained in his family, or at any time, except when he had been away for a few days; then when he came home he would vomit some, and after taking a strong cup of coffee or tea, he would be around again; these spells came under my own observation, for I took care of him at the time; never knew him sick after one night's sleep, not when I waited upon him; his wife died the 2d December, 1869; he was married to the prisoner, he told me, on September 15th, 1870; was not at the house on the 9th of December, when he was sick; he was sick when I got home, but he had done having the doctor; the prisoner was at Sherman's house about three or four weeks before they were married.

Q. What were their relations to each other while you were there? A. While I was there they were very kind to one another in my presence.

Q. If you know of any quarrels between them, state that. A. I often heard them having angry words in their room.

Q. How many times? A. Could not say the number of times; quite a good many times; do not know what the difference between them was; I never tried to know; never heard anything but once distinctly.

Q. State what that was. A. I was passing their door and I heard Mr. Sherman say, "Lydia, if you are dissatisfied, you may take what you have brought here and leave, or go away," I do not know which; I hurried away and heard no more.

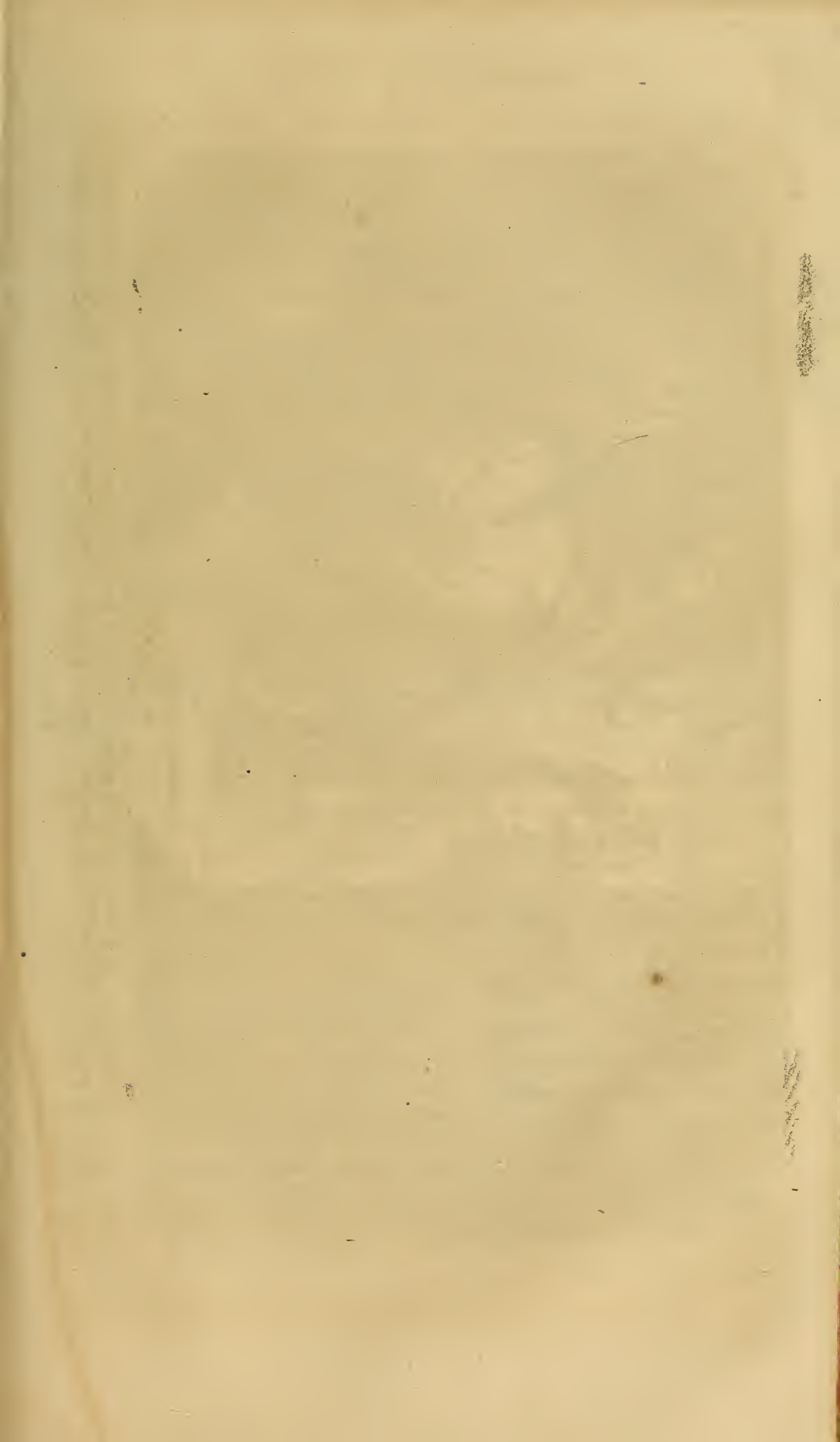
Q. Was that before marriage? A. Yes, sir.

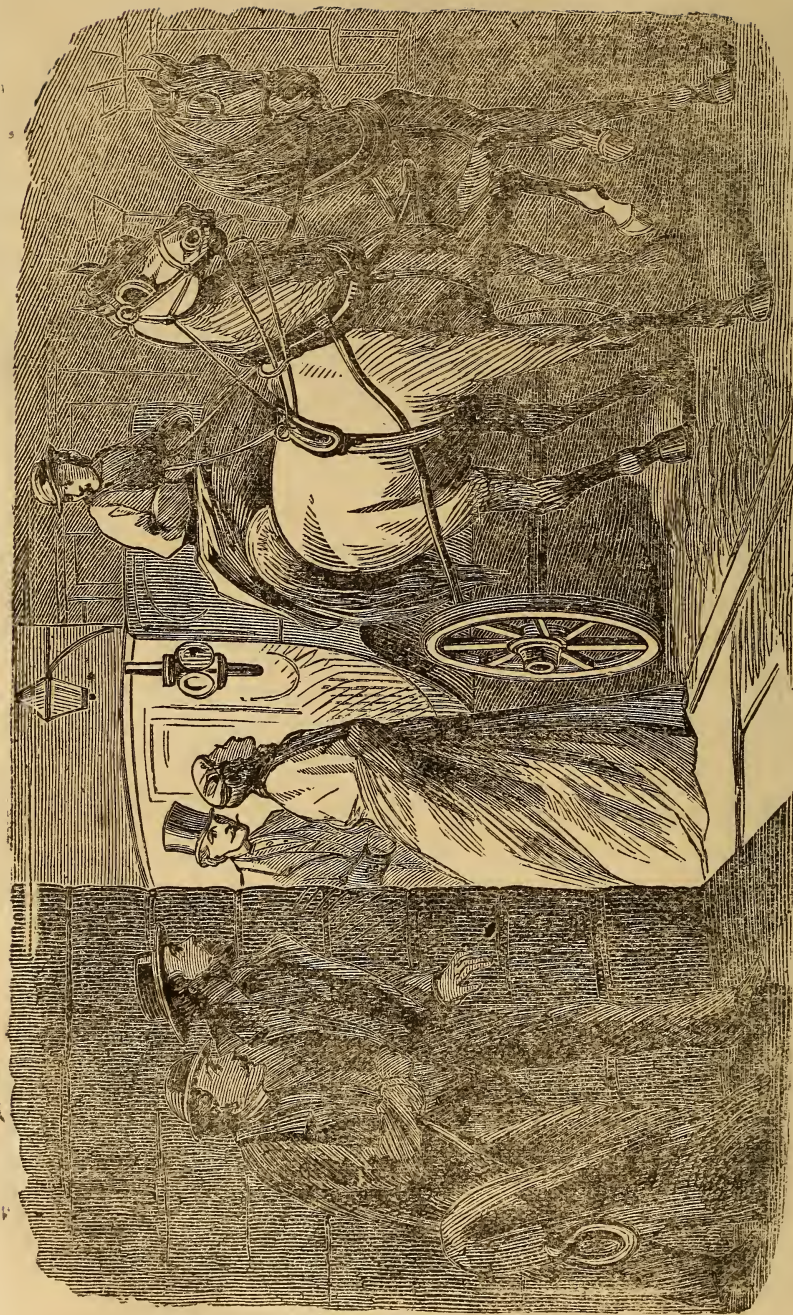
Q. If anything occurred there after Addie's funeral, state it. A. On Saturday evening before I was to leave, I had a little work to do in the basement, and I rose up in the sitting-room, leaving old Mrs. Sherman asleep on the sofa, and Lydia sitting by the stove; I went out carefully and closed the door and went into the basement. As I got there I heard Mr. Sherman pass the basement windows and come to the basement door and come in; he had been to market for meat; he brought it to the table, and while undoing it he said—

[Objected to and admitted.]

He says: "Mother I wish you would make up your mind to spend







Flight of the Poison Fiend. Mrs. Sherman's strange actions in New York City. She is "shadowed" by two detectives.  
Flucht der Giftmischerin. Mrs. Sherman's sonderbare Handlungen in New York City. Von zwei Kolligisten "wie von ihrem Schatten" verfolgt

the winter with us." I told him that I did not feel that I could. He said he would send for my trunk. I then told him that I did not feel that I could possibly stay with him. Then he said he wished that I would, for he was afraid his little Nattie would be taken sick the same as Addie was. I told him that I did not think there was any danger that the child would be, and that if he was that his wife would take as good care of the child as I would myself. At that moment she bounced into the room—

Mr. Waterous.—The portion of the conversation up to this point we object to.

Witness.—Then she flew up to him—

Waterous (interrupting).—"Flew?" (Laughter.)

Witness.—Yes, sir; and she said that he had been finding fault about her to me, and not taking good care of his family, and that if he was dissatisfied with her care she would leave the house that night. I begged of her to be quiet, for that he had not said a word about her, and had never said anything about her. She said she knew better, for she had heard every word we had said, and that he had always done it. Up to that time we were never alone together time enough for him to complain of her, for she always came in right after he did.

Q. State her manner at this time. A. If I am a judge I should say that she was very angry in her manner, more so than I ever saw a person, I think.

Q. Have you given all of that occurrence? A. He then went up stairs and she followed him.

Cross-examined.—Went down there to iron some pocket handkerchiefs; I was not making doughnuts; don't make them in the evening.

Waterous.—Did I ask you if you did?

Witness.—No; but I thought I would tell you. (Laughter.)

Waterous.—Well, madam, go on, I am ready for any further communications you may have to make.

Q. When was this? A. On Saturday evening; nothing was said about Mrs. Sherman.

The court here took a short recess.

After the recess the cross-examination was renewed. After numerous inquiries witness stated—

After Sherman's death the accused told Mr. Shelton she wished to keep the house. She told me the first week after Mr. Sherman died that she thought she would keep boarders, as she knew plenty of gentlemen who would board with her; that she would keep them on account of Nattie; there were times when there would be a great many rats at the house; after she came I gave them no poison, but before she came, during the time I was there, I gave them arsenic.

## FURTHER TESTIMONY BY DR. BEARDSLEY.

Dr. Beardsley recalled: The prescription left by Dr. Kinney was composed of hydrocyanic acid dilute; subnitrate of bismuth, one drachm; gum arabic pulverized; water and simple syrup each one ounce, rubbed all together; the repetition of the dose was left blank for me to direct; directed him to take a teaspoonful once in two hours if it would stay on his stomach; the next morning I asked the prisoner if the patient had been able to take any of the prescription; she said that he had taken two teaspoonfuls, and that attempting to take a third he was so sick he could not swallow it, and spit it out; I inferred from that that he had taken two teaspoonfuls; there was in the prescription twenty-four teaspoonfuls; in the two taken he would get five grains of nitrate of bismuth and two drops of the diluted hydrocyanic acid; the acid in the strong state is not used; in the United States they have in the shops a preparation diluted which has two drops of the strong in a hundred of the diluted; the preparation used was the diluted one.

Q. Could there be any danger of death from poison from that prescription? A. No, sir, not even if he took it all at one dose.

Q. How long would it take to feel a dose of arsenic? A. From half an hour to three hours; I have seen the effect come on in less than half an hour in a case I had. Witness stated the symptoms as others had.

Q. Is the first vomit in such cases offensive? A. My experience is that the subsequent vomit is more offensive than the first; in the case of Mr. Brock, the case I alluded to, the vomit was very offensive the second day.

Cross-examined.—Did not examine the phial on Friday morning; saw it on the stand; did not see it the night before.

Q. How do you know then that hydrocyanic acid was used? A. I do not, I only give you the prescription. The presumption is—

Waterous.—Never mind the presumption, doctor; we can all guess.

Q. You do not know that the subnitrate of bismuth was not supplanted by arsenic? A. I did not examine it; I could not have told by looking at it.

Q. If in place of the five grains of bismuth there were five grains of arsenic it would have caused death, would it not? A. I think it would, but he had the symptoms of death before he took that prescription. (Smiles.)

Q. Is subnitrate of bismuth a poison? A. I do not consider it a poison in the sense I look at it; the case given has been contradicted, and it was proved that the dose was a precipitate of mercury; read this from Taylor; bismuth might be considered a poison only in the sense that a jackknife would be if it was swallowed, and cause death if taken in a

large quantity; so might yellow earth and gravel; Taylor gives a case of poisoning by bismuth and Wharton one.

[Waterous.—Two.]

The books prove a negative; would not give much for Taylor's opinion on the subject; bismuth does sometimes contain arsenic.

Q. Did George Sherman ever find fault with you for having a post-mortem made? A. Yes; he had a conversation with me; cannot say what he found fault, but I might have inferred from his manner that he found fault; he said persons who took a person's liver were liable to prosecution.

Foster.—If arsenic had been substituted for the two teaspoonfuls of bismuth, would it have caused death? A. It would, for the man was nearly dead; he was almost *in articulo mortis*.

By Wooster.—How large doses of bismuth have you given? A. I have given a drachm, and I consider it as harmless as chalk.

Waterous.—Did the patient survive?

Witness.—Yes, sir; he got well.

Q. How much arsenic is there in bismuth? A. It is at the rate of less than half a thousandth of a grain.

Q. Have you not heard of cases where there was thirty per cent. of arsenic? A. I have not.

#### CLOSE OF THE CASE FOR THE STATE.

M. Wooster.—This closes our case for the State.

The court then adjourned to Wednesday, at 9.30 A. M.

### SIXTH DAY.

Wednesday, April 24th, the defence of Lydia Sherman was begun. Only five witnesses were heard, and the taking of their testimony occupied the entire day. The only evidence of much importance was given by a gentleman and his wife, who resided in one-half of the house occupied by the Sherman family. As will be seen by the testimony, nothing was offered explanatory of the evidence proving the deceased was poisoned, and at five o'clock the defence closed, somewhat unexpectedly to the spectators and others. An effort was made by the State Attorney to get in the testimony about the other deaths, but it failed, and counsel were given till morning to prepare for argument. During the day the court-room was filled with people, and in the afternoon there was the usual full attendance of ladies. There were also present two gentlemen, brothers of the deceased, Charles and Andrew Sherman, brass founders, in South street, Brooklyn. They were well dressed, genteel-looking men. They had not been present during the proceedings before. The court opened at twenty minutes to ten, and the jury were called.

and three were found absent. At a quarter to ten the absent jurors arrived. The hearing then proceeded.

#### THE CASE FOR THE ACCUSED.

Mr. Waterous arose and said, that perhaps a word of explanation was necessary for the jury, and there was need of but one word. In the spring of 1871, Sherman left home and was gone for several days. What he did while absent they knew. He returned in a state of mind such as his kind of life produced. On Saturday he did not work, as he was not able. On Sunday he did not work, but he was on Monday able to do some work. On Sunday, they should show—and here he desired to say they should not assail the dead, but to defend the living. On that Sunday, not satisfied with this debauch, while unhappy, or on account of some other cause, he went to drinking again and became intoxicated, and came home intoxicated about half-past eleven at night; that he was asked by his wife if he wanted supper, and he said he would help himself, and that he went into the basement and ate freely of cold lobster, and went to bed. The next morning he went to work, and had his dinner sent to him at noon. At night he came home, and made his supper on some cold shad and some chocolate. Then he had the headache and vomited. He was worse in the morning, and though his wife suggested sending for the doctor, he would not consent, and he did not until the next morning, when she further urged it. She expressed great relief upon the doctor's arrival. The next day she became uneasy again, and had the doctor sent for, and also again on the next day. She kept the vomit and showed it to the doctor, with some such remark as "did you ever see such stuff come out of a human stomach?" She was with him day and night, and exhibited that faithfulness which the jurors as husbands and sons were always glad to see. This continued until he died. After his death the landlord, anxious to know whether she was to remain, called, and an arrangement was made for her to remain for the unexpired term. This the jury already had largely learned, but further it would appear that she had been a kind and faithful wife, and none knew it better than the deceased. This was most strikingly exhibited by that last act of his, of committing his little son to the care of the woman who was now on trial charged with his murder. There was another matter that would be explained. The story of Mr. Peck, the druggist. The accused did buy in the early spring some arsenic of Mr. Peck. Counsel spoke of her refreshing Mr. Peck's memory about the purchase of arsenic. She bought it for rats, though Mr. Peck did not remember it. On the Sunday after, she spread that arsenic on pieces of bread and put them in the cellar. The proof of that was to be given. The necessity for the use of the poison had already appeared. A few days after dead rats were found about there. One was seen to go into the well. That was all they knew

about poison. Whether Sherman died of poison they did not know; whether arsenic was found in his stomach they did not know, though Professor Barker said he did. If there was arsenic there, they did not know how it got there; they knew they did not put it in there. Whether it got there by accident, or whether the deceased, ashamed of his life, took it, they did not know. There was another circumstance that he should refer to. The State had attempted to show a motive by showing that for awhile the parties did not cohabit together. Counsel explained that by saying that it was owing to the necessity of taking care of the boy Nattie, and that the arrangement was a mutual one, and was not owing to bad feeling. If this looked like a motive for killing, then the State might make the most of it, but with the explanations they should offer, they did not think the jury would find anything to justify the belief that it furnished a sufficient motive. Counsel explained in regard to the money matter, and claimed that Sherman gave his pocketbook to his mother so that it should not get to his son Nelson. It would also be shown that it was a matter of complaint with George Sherman that the accused, who was charged with an awful crime to get \$105, gave too lavishly to the lad Nelson. On the subject of divorce, they should offer but a word or two. He believed that in each instance the subject was referred to first by George Sherman, and they expected to show that he had told a neighbor that he had advised Mrs. Sherman that she ought not to live with his brother. If then there was anything in the reference about divorce, they should lay alongside of it the antidote. These were all the points they desired to call the attention of the jury to.

#### TESTIMONY OF LEWIS D. HUBBARD.

Lewis D. Hubbard called and sworn: Reside in Birmingham, in the same house formerly occupied by the Sherman family; resided there when they did; resided in one part, and they the other; the two families occupied the same house about twelve years; had been acquainted with Sherman about eighteen years; first knew of his sickness on Tuesday morning, through Mrs. Sherman; she was coming from the back yard with a bowl in her hand, and she showed me something he had vomited up, and asked me what I thought of it; the appearance of the matter was dark, and it had a very offensive smell; do not remember what it smelled like, but I made the remark at the time that it smelled like beer, and that I thought he would soon be better; think she said she had sent for Dr. Beardsley, first saw Sherman during his sickness on Wednesday night; I was called in by him; he sent for me, and I think Mrs. Sherman came for me, and said Mr. Sherman would like to see me; I went to his room, and when I went in he shook hands with me and said, "Mr. Hubbard, I feel as though I was going to die; are my dues paid in the lodge," meaning the Knights of Pythias; he told him they were paid till July 1: I

told him I would give him a receipt if he had none; he said he had one, asked him if he wanted watchers from the lodge; don't know that he made a reply, but he referred me to his wife; asked her if she needed any assistance, and she told me she probably should, and I told her I would call again after the division; about ten o'clock I called again, and asked Sherman how he felt; he said he felt more easy; asked Mrs. Sherman if she needed any watchers that night, and she said that as he felt better she thought she could get along with him alone; told her she could call me if any one was wanted; inclined to think that he vomited during my first visit; can't say that I called Thursday morning; was there Thursday night about six o'clock; Mr. Sherman's appearance was worse, and he told me he thought he could not live long, and he wanted to have me stay with him; he vomited during the evening more or less; I was up with him that night; also the old lady, Mrs. Sherman, and his wife; the wife might have laid down on the lounge once or twice during the night; the prisoner principally waited upon him; he preferred to have her mix the brandy slings, because she understood it; I was there when he died.

Q. Was there anything said about the little boy, Nattie, before Mr Sherman's death?

A. About three o'clock the morning before he died he expressed a wish; the first I heard he said, "You understand this matter, Lydia; we talked this matter over yesterday; what's in the house is yours; I want you to promise that you will take care of Nattie, and bring him up." I started to leave the room, and the old lady, Mrs. Sherman, called me back and said, "I wish you to hear what Mr. Sherman says, and be witness to it." She said, "You remember what Mr. Sherman said," and I told her I did.

Q. State what the conduct of Mrs. Sherman was toward her husband during his sickness, so far as you observed. A. I saw nothing different from what is seen between any man and wife under the same circumstances; she manifested a great deal of feeling for him all the time during his sickness.

Q. Did Mr. Sherman say anything as to what he had eaten? A. On Thursday night I spoke to him about what he had been eating, and asked him what he had been eating or drinking to make him so sick. He said he had eaten very little except, I think he stated, lobster.

Q. To what did he attribute the cause of his sickness, if anything?

Mr. Foster objected to the question as leading, and its form was changed.

Q. To what did he attribute the cause of his sickness? A. Don't think he said anything to me.

Q. What were his habits in regard to the use of liquor? A. He had spells of drinking, probably to excess. Aside from that he was very attentive to his business when he was not off on these spells.







ARREST OF LYDIA SHERMAN. — Illustration von Lydia Sherman.

Q. How frequent were these spells? A. During the last few years he might have had them once a month, and then once in three months, not oftener than once a month; do not know his state of mind on Sunday; on Saturday had a talk with him about cleaning the well; the well was cleaned that day; I told him I had it cleaned because a rat had got into it; do not know of any rats being poisoned except those I poisoned myself; I remember the prisoner bringing the slop-pail with a rat in it, and showing it to me; think it was on Sunday, when Mr. Sherman was absent; know of her coming and saying that a rat had run into the well; that is all I know about rats anyway; I used preparation for rats, should say it was phosphorus. [A discussion ensued about the effect of the poison, or whether Hubbard poisoned the rat that ran to the well.]

Mr. Foster.—It is admitted that Mr. Hubbard did not poison that rat.

Mr. Waterous.—Well then we will put that down as admitted.

Witness.—In the fall of 1870 I purchased potatoes, and they were nearly destroyed by rats; told Sherman to look at his, and he found them in the same condition, and he said, "I can't stand this, I must get some poison;" don't know what he got; after Sherman's death Mrs. Sherman made an arrangement with me to take care of the garden; I was to have a part, and she was to have what she wished; would not swear what poison Sherman said he would get for rats, but I have an impression that he said he would get arsenic; Mr. Shelton desired me to get the rent off her hands, so that he could rent it to other parties.

Cross-examination by Mr. Foster, and numerous questions were asked about the witness first learning of the sickness of the deceased, and of his meeting the accused in the yard with the bowl, but nothing new was learned; the vomit did smell offensive; when I first saw Sherman, he was complaining of pain in his stomach; he was pale and sickly, and looked bad; asked him if he had ever been troubled so before, and he said he had been troubled with pains more or less since he was fourteen years old; his voice was husky, and he complained of his throat; do not recollect that he vomited during either of my visits on Wednesday; on Thursday evening he seemed low; he had pain; his voice was hoarse; he vomited, but only a little matter came up; I went that night for Dr. Beardsley, and I went to the drug store and got a prescription and some brandy; gave him some of the prescription, and he vomited it up; he vomited it up in about ten minutes; he took it only once, for he said it burned his stomach; when I gave it to him he said, "Oh, my God, my stomach, I don't want to take any more of that;" he took it only once; this was a prescription from Dr. Beardsley; there was another receipt from Dr. Kinney; don't know who sent for Dr. Kinney; was not present when Sherman made that remark about the tea, but was called in after he had fainted away; Thursday night Mrs. Sherman was called to mix the sling about every quarter of an hour; he wanted them very often,

Mrs. Sherman had the entire charge of him; Dr. Kinney's prescription was the first one that stayed on his stomach; after that he did not vomit any more; all he took before that was thrown off except brandy.

Q. Why did you ask Sherman what he had eaten? A. Because after he had those sprees he was not usually sick, but remained at the house till he got over them; he seemed so different from what he was at other times I asked him; never saw him sick before; don't think he ever had such turns as this before; did not ask Mrs. Sherman what was the cause; about his only fault was his drinking; he was a very industrious man when sober; he usually drank till he spent his money and then stopped; she told me Monday at dinner that a rat had run into the well; after dinner she told me she had been poisoning rats; that is the reason why the well was cleaned; have not talked with the prisoner about the statement I have made; have talked little with any one; told Mr. Gardener about the lobster; also told him all I knew about the case as long ago as the first trial; he came to my house and inquired.

Counsel asked the witness numerous questions as to whether he told his story to any one, or talked about the case, but nothing of importance was obtained.

At this point the court adjourned until two P. M.

The court opened at ten minutes past two.

Mr. Hubbard resumed: Saw Sherman at the shop on Monday; talked with my wife about the case; don't know how often; we did not tell each other what we should testify to.

Direct resumed: Sherman was anxious to know whether he stood square on the Lodge books so as to see if his wife would be entitled to funeral benefits or not.

#### TESTIMONY OF REV. LEONIDAS B. BALDWIN.

Rev. L. B. Baldwin called and sworn: I reside in Birmingham; am rector of St. James Episcopal church; the Sherman family were connected with the church; I visited Mr. Sherman's family during his sickness; think I made three calls; the first was on Thursday evening; the other was later on the same evening, and the third was on the morning of his death; came at seven o'clock and was there until after he died.

Q. State what the conduct of Mrs. Sherman was toward her husband so far as you observed. A. So far as I observed, her conduct was such as became a wife under the circumstances.

Q. Did that continue up to the time of the death? A. It did, so far as I saw.

Cross-examined.—On Thursday evening Mr. Sherman was thought to be in a dying condition; he expressed himself to be in great agony; the pain was in his stomach; his voice weak; was there half an hour; the conversation was mostly on my part; my visit was for the purpose of

spiritual consolation, and the conversation was on that topic, the interval between my calls that evening was about two hours; saw restoratives administered to Mr. Sherman; he was having a sinking turn, and restoratives said to be cologne were thrown upon him; on Friday morning he was much weaker; not much said about pain; was not in the room at the moment of his death, but in an adjoining room; think Mr. Downes and Mr. Hubbard were there.

## TESTIMONY OF ICHABOD D. ALLEN.

Ichabod D. Allen called and sworn: I knew Mr. Sherman fifteen or sixteen years; saw him the Sunday night before he died, between ten and eleven o'clock; saw him part of the time in Captain Healey's saloon; first saw him there; I went in and found him there; while there the party had three or four drinks, and he went out with me, and walked with me to my gate, and we talked awhile and then I went in and left him; should not say the man was intoxicated, and I should not say he was sober; he appeared to have been drinking some; he seemed to be despondent; the general run of his conversation was that people there had tried to kill him and injure him, and that he would show them that he would yet come out the top of the heap and beat them all; don't recollect the conversation; have often heard him talk that way.

Q. What have been his habits as to the use of liquor? A. Oh, he used to have his sprees pretty often.

Q. What was his state of mind when he came out of them? A. Never saw him when he was coming out of them; saw him in them.

Q. What was his state of mind in them? A. Sometimes he was despondent and sometimes not.

Q. Did you ever hear him say within a few years that he had as lief be dead as not? A. I should not like to say that.

Q. State what is your impression. A. I don't recollect anything about it; he has talked so much that I didn't pay attention to it.

Q. Did you ever tell anybody you heard him say so?

Mr. Foster.—What, going to contradict your own witness?

Mr. Waterous.—What we want, Mr. Allen, is your best impression.

Witness.—My impression is that when some parties were talking I said he said so, but I told the party I could not swear to it; I don't want to give it in evidence, I have an impression that he said it for he used to say a great deal.

Cross-examination.—The parties I talked with were Drs. Beardsley and Lewis Hotchkiss; they were in the Bassett House and the conversation came up that way; I said then that I ought not to have said it; when he was sober he was reserved; when intoxicated it set his tongue going, but he was not always good natured; I kept a saloon there myself and he used to trouble me a good deal; don't know what Sherman drank at

Zealey's, think he drank spirits; think he drank pop once; paid for the drink and guess they were ten cents a drink all round; he called for the drinks once; he might have drunk a pony glass of ale; I told him that I guessed no one was trying to beat him any worse than he was himself, and that if he would keep to work and be steady he would get along well enough; Mr. Gardener came to me and asked me about this matter.

TESTIMONY OF MRS. LEWIS D. HUBBARD.

Mrs. Lewis D. Hubbard called and sworn: Have known Mr. Sherman thirteen years; lived in the same house with him about that time was in his house with him during his last sickness; was there the first time Wednesday afternoon ten minutes; was there again on Thursday about twilight, and was there a portion of the evening; left about ten was there the morning he died, but not when he died.

Q. What was the conduct of Mrs. Sherman toward him so far as it came under your observation? A. It was very kind.

Q. What was her conduct during their whole marriage life as far as you observed? A. As far as I knew it was as well as husband and wife in general; had very little conversation with Mr. Sherman during his illness; the preference he had as to who should wait on him seemed to be his wife; he called for her to fix his slings; on Friday morning, as I approached the bed he said, "Oh my God, why don't I die; I ought to die." I saw that my husband was needed, and I went immediately for him; the two Mrs. Sherman were there; saw Sherman Sunday from my window; he did not appear to be strong; my husband and my mother remarked it; my mother is now sick; the house was infested with rats; I talked with George Sherman about Mrs. Sherman before her husband's death; he spoke very highly of her and thought she was not appreciated, and always spoke in her praise.

Q. If you recollect any of his expressions, state them. A. I recollect that he said that she was one of many.

Q. Anything said about a jewel? A. He said in one conversation that she was a jewel of a woman.

Q. Did he refer to a divorce at any time? A. At the time he was in our house before his brother's death he said he told her he would go with her, or for her to Judge Munson and see about it.

Q. Did he say anything about advising such a course? A. Think he said nothing more about it; he said at one time that it was a shame for her to give Nellie any more money, because he made bad use of it; had a conversation after Nelson's death with George Sherman; he spoke in her praise; think I was the first one who told Mrs. Sherman that the physician had taken a portion of Mr. Sherman's stomach; told Mrs. Sherman about the taking of the stomach within a week after it.

Q. When Sherman was out late nights, what was the prisoner's con-

duct? was she anxious? A. She was, and she was anxious to have him keep up his attendance at the temperance lodge; she was so anxious that a number remarked it.

Cross-examined: Did not consider Sherman very sick the first time I called; he only complained of sickness at the stomach; Mrs. Sherman said nothing about his sickness; saw the doctor Wednesday morning and asked him what he thought of it, and he said he would come out of it; witness further testified how the deceased looked, what he took and how he appeared; saw no tea given him; Sherman died within two hours after saying, "Oh, my God, why don't I die!" Nothing was said to him then; I think his wife was coming into the room at that time; on that Sunday I saw him, he walked weak and looked pale; do not think I am mistaken as to what George Sherman told me.

Q. Were you very friendly to Mrs. Sherman? A. I was as a neighbor should be; I was not intimate with her; I visited her seldom; I visited her oftener than once a month; Mrs. Sherman spoke to me of George and of his kindness to her; do not know who or what introduced the subject of divorce in talking with George; had a conversation with Mrs. Sherman, and advised divorce, but she said she could not do it, as she thought too much of him; a few days after Mr. Sherman died, Mrs. Sherman came into my house, and I asked her if she knew that the stomach had been sent to New Haven, and she said she did not; she did not seem surprised or displeased, and I spoke to my mother about it; Mrs. Sherman did not seem to care that it had been sent.

Q. And you were so much surprised that you spoke to your mother about it? A. Well, I spoke to mother about it.

Witness.—Have not mentioned this to any one except the counsel; spoke to Mr. Gardener about it at my house; think I have talked with him twice; don't remember who told me that the stomach was taken to New Haven, or when I was told, or who was by; it surprised me when I heard it; something was said about Professor Barker; did not understand that it was a secret, and was not cautioned when I was told.

The court took a recess.

Philip Meyers called and sworn: I reside in Derby, and I knew Mr. Sherman for the last three or four years; saw him on the Sunday before his death, at four o'clock, at the Derby depot, and afterwards in John Miller's shop about five minutes; did not notice his condition, and could not tell it; did not see him after that; do not think, from his appearance, that he had been drinking.

CLOSE OF THE DEFENCE.

Mr. Waterous here said: We rest, if the Court please.

Mr. Foster said that now they proposed to offer the evidence in regard to the other cases which had been ruled out in the beginning of the hear-

ing. The defence claimed that the death was caused by accident or suicide, and to remove this presumption the evidence was again offered.

Mr. Waterous said that he thought the matter so frivolous that it was not necessary to discuss it unless the Court wanted to hear the discussion. There was no claim that the woman administered the poison by accident. The claim was that this woman did not give the arsenic. He did not want to again discuss the question unless the Court wanted to hear it.

The Court asked if the State had any other testimony to offer.

Counsel conferred, and Mr. Foster said they had no other testimony to offer.

Judge Park then said that nothing had happened in the course of the trial to change the decision at first given. The defence did not claim that the accused administered the arsenic by accident, or that she did not know the properties of arsenic; and as the admissibility of the evidence rested on these grounds, the Court did not see how it could be admitted.

Mr. Waterous.—Then it is understood that the evidence is closed?

Mr. Foster.—It is, I believe.

The subject of arguments was broached, and Mr. Wooster, who was to speak first, said he did not desire to commence then, as he would have to break off.

The court thereupon, at 5 P. M., adjourned to 9.30 A. M. on Thursday.

### SEVENTH DAY.

The proceedings on Thursday, April 25th, the seventh day of the trial of Lydia Sherman, proved of more interest to the public than any that have occurred. The court-room opened with a full audience, and remained crowded throughout the day. The delivery of the arguments of the four counsel occupied the entire day. There were able presentations of the case in different phases, and were listened to with unflinching interest by both jury and spectators. The prisoner, who was watched closely by the throng of people present, paid very little attention to anything except the words of the counsel. She seemed more, than at any time we have observed her, deeply impressed with the gravity of her situation. Before the court opened she wept a little, and at nearly all the touching references made by counsel in their remarks, particularly those by her own counsel, she shed tears. The proceedings were begun by

#### COL. WM. B. WOOSTER'S ARGUMENT.

After assuring the jury that he was conscious of presenting no facts except such as were proper to be presented, he spoke to them of their responsibility, and of the necessity of protecting society from the class of crimes like the one presented before them, which were multiplying with terrible frequency. He then referred to the calls of Mrs. Jones to the family of the deceased by the repeated deaths, then to the death of Sher-







LYDIA SEERMAN IN PRISON. — Lydia Sherman in Gefängnisse.

man, and the commencement of judicial proceedings, and then said there seemed to be but one point conceded on both sides, and that was that Sherman died. Beyond that the defence denied all the material facts. The question then arose whether he was poisoned with arsenic. The doctors and the chemist had agreed that arsenic caused his death, and also that the symptoms were those of arsenical poisoning, and to meet this the defence had failed, in a city full of able physicians, to bring forward a man to dispute these grave facts; neither had they brought forward any one to meet the testimony of the chemist, and only went so far as to attempt to cast doubt upon it by inference, by declaring the science progressive. The entire defence seemed to be that of catching at mere feathers, and it should, therefore, be deemed insufficient. The question about the muslin, the glass jar, and the box in which the liver was placed, was an attempt to seize trifles upon which the jury were to infer that the arsenic got to the man's liver from those articles. Further, the defence had seemingly made the intimation that the stomach presented to the chemist was not that of the deceased. This was another straw to which they were clinging. These things were all nothing but feathers, and they would not do. Then they had intimated that bismuth killed the man; but beside the fact that he had taken but a little of it, the answer that came was that the man was beyond the reach of human aid before he took it. Then why was the intimation made? Then they resorted to a further possibility, and that was, was not bismuth poisonous, and did it not have arsenic in it? But these things were all refuted by the chemist, the doctors and the druggist. The defence did not stop here. They raised the intimation that he took the poison over the bar, but they failed to show that he took a drop of spirituous liquors during the week before his death; they only intimated it. Not content with this, they made another intimation, and they say that Sherman took the poison himself. Three witnesses were produced to show that he was despondent, but all failed to give any of his language to show it. Counsel referred to the visit at Healey's saloon, and claimed that the evidence did not prove that Sherman drank spirituous liquor there. He further referred to Sherman's resuming work on Monday, his taking supper, then smoking, and then going down town and watching an auction until taken sick. Was such the conduct of a man who had poisoned himself? Besides there was nothing during his illness to intimate the idea of suicide. Then the defence bring in a lobster to account for the death. But no intimation about a lobster arose throughout the week until Hubbard brought it in on that Thursday night; but did that lobster contain five grains of arsenic? He did not believe that science could be met with a lobster. Then it was claimed that Sherman had spells like those before, but the proof was that he had been sick but once on the 9th of December, when the accused was in his family, and knowing that he would pursue that

matter no farther. Admitting he had spells of pain in the stomach that did not account for the arsenic. Counsel criticised the testimony of Mrs. Hubbard, and referred to the variance between her and George Sherman. Admitting that Mrs. Hubbard was right, that affected the guilt or innocence in no manner. Reference was made to the declaration of Sherman,

"Oh, my God, why don't I die? I ought to." Supposing that was so, he man was in the throes of death and in such a case, who would not have said it? He could not see how it affected the case. Then it was claimed that she did not do it, because she was always kind and faithful. He was not going to believe that the woman was so stupid as to publish to the world that she desired to put him out of the way. Such was not the way taken in such cases, for we had been told that "A man may smile and smile, and be a villain still." She would naturally adopt this course to throw people off their guard. Dr. Webster had even entertained Dr. Parkman at his house before killing him. She could not have refused a post-mortem without condemning herself. He refuted the idea that she bought arsenic for rats, or that she was innocent because Sherman committed his son to her care. He then read from the case of Commonwealth vs. Harmon, to show the value and weight of circumstantial evidence, and how far doubts are to be entertained by jurors. Counsel then referred to the evidence of the prisoner's guilt, and claimed that there was sufficient motive for the crime in the unpleasant family relations, and the dissatisfaction of the accused with her husband, whom she wanted to leave. He spoke of the drinking of chocolate, and of its being well adapted to convey poison, and argued that the only link lacking was proof of some one who saw her hand sprinkle the poison. If that must be proved, then she might lay thousands dead in her track and go unconvicted. Would such a rule be safe? That was for the jury to say. Then there was evidence that a second dose of poison was given, but no one saw it done. If the jury were to say to the people and the world that the administration of the poison must be proved, then God must help us, for the people would not.

Mr. Wooster spoke an hour and three-quarters.

Mr. Gardener followed for the defence, commencing at fifteen minutes before twelve. He reviewed the evidence fully, referred to the affection that was shown to exist between the prisoner and her alleged victim, her efforts to reform him, and lift him up to a higher plane of manhood than that to which he had fallen by the use of the fiery liquid. Even Mrs. Jones, the mother-in-law of the deceased, bore testimony of the devotion of the prisoner to her husband. The argument in the main was very labored and dragged along wearily; but one good point made by the counsel was the fact of the prisoner buying arsenic so openly, and inquiring how to use it, when she could have come to New Haven and purchased it without any fear of detection. Indeed the State would

never had known that she had arsenic in her possession had she not frankly declared that fact, and stated candidly the motive for which it was so secured—to poison rats. The last act of his life in giving into her care, in the presence of God and man, the custody of his favorite boy, shows that, no matter what others may have observed or felt to be their angry disagreements, Sherman passed from this life with a loving confidence in his wife. The counsel closed at twelve minutes before one, having spoken sixty-three minutes.

Judge Foster, State Prosecutor, at a quarter past two commenced to review the evidence. After disclaiming any intention to put in any evidence not authorized by the practice, the counsel considered the points made in Mr. Gardener's summing up. The accused, he said, was accused of murder, and as the attorney is compelled to charge in the indictment the particular degree, and all cases of poison under the law come under the designation of murder in the first degree, he had no alternative in this case but to charge the higher offence; still the jury had the power to bring in a verdict of murder in the second degree. To convict the State must show, first that he (Sherman) died; second, that he died of poison; third, that it was administered by the accused, and fourth, that it was done with felonious intent. The first has been proved beyond a doubt. In support of the second, it appears he entered the house a healthy man; the accused prepared and gave him food, and him alone—the other members of the family being away; went out, and within an hour was taken with an attack that carried him off. She alone tended him in his illness and we say she killed him! (Sensation.) What can be added to carry conviction to the mind of her guilt, except we produce some one who swears they mixed the poison or saw it mixed by her? This man was well; took food and chocolate at the hands of his wife, sickened and died, and poison was found in his body. That is our case. Is it not plain and intelligible? The last point is intent. The rule is that the defence must show the motive. Mrs. Sherman has not done so, and it is fair to presume it was done with felonious intent. The case presents domestic relations of an unhappy character—distrust, coldness and jealousy, so much so that when Sherman's corpse lay there prisoner said to his mother, "I had resolved to leave Nelson, but now I am glad I did not." This shows that their domestic relations were not happy. The defence had declared that life had never been taken upon the testimony of a single expert, and the prisoner should not be convicted on the single testimony of Dr. Barker. Mr. Foster gave a French precedent in *Elwell*, where a person was hung on analysis of one exhibiting poison after two had failed to find any. The prosecuting officer eloquently dwelt upon the relations between Sherman and the accused; showed that she felt she was scorned, and her affection for him on his deathbed was the affection of Delilah, when she caressed Samson that she might shear his locks, and touchingly pic-

tered the scene at Sherman's deathbed, where he confided his beloved boy to the prisoner's keeping. His words caused the accused to become deeply moved, and she hid her face in her hands and wept. Her emotion, however, was but momentary, and again she assumed her usual composure and indifference to the result.

Mr. Foster was followed by Mr. Waterous, who closed the argument for the prisoner in an able and earnest appeal for his client, whose guilt, he declared, had not been established by the State. He denied most positively that Sherman died of poison, and asserted that the evidence showed that Dr. Beardsley did not believe he was suffering from poison, notwithstanding his evidence, as instead of giving an antidote, he administered a blue pill and morphine. If his evidence be true the doctor ought to be indicted for neglecting to treat him for poison. Counsel contended that the State had not found arsenic in the stomach, and if there was, it was probably the result of suicide.

The court then adjourned to 9.30 A. M. on Friday, April 26th.

### EIGHTH DAY.

Judge Park began the proceedings of Friday April 26th, by charging the jury. He charged strongly against the prisoner, but pointed out the fact to the jury that they could find her **GUILTY OF MURDER IN THE SECOND DEGREE**. This they did after an absence of fifty minutes. The penalty is imprisonment for life. The prisoner pressed her hand to her forehead and sat down, her son at her side. She was calm again in a moment, and conversed with her friends as though nothing unusual had happened. She was led out by Jailor Webster, followed by a crowd that blocked the street. She stepped into an open buggy and was drawn to the jail.

Had Mrs. Sherman been acquitted it is said a bench warrant, which was in the court-room, would have taken her to Fairfield county to answer the charge of poisoning a former husband. On this charge they say there is a clear case against her.

### AT THE JAIL.

Upon arriving at the jail we learn that the composure of the prisoner gave way, and she who had borne herself with so much calmness before the jury, broke down and fell into a swoon, recovering from which she indulged in a long spell of weeping, expressing her disappointment over the result of the hearing.

# LYDIA SHERMAN SENTENCED.

## THE CONFESSION OF AN UNNATURAL WIFE AND MOTHER.

**C**ONTRARY to general opinion, Lydia Sherman was only convicted of murder in the second degree, but exception was taken to the evidence by her counsel, and sentence was not given at the time. Since the trial Mrs. Sherman has been confined in the County Jail, where she drew up a confession of the murders she committed by poisoning with arsenic, hence the sentence by Judge Sanford on Jan. 11th, 1873. The scene in court was unaccompanied by any affecting incidents, and after the delivery of the charge the prisoner was immediately placed in a sleigh and driven back to the County Jail, whence she will soon be taken to Wethersfield, to be there imprisoned for the period of her natural life.

### THE CONFESSION.

I was born near the town of Burlington, N. J., Dec. 24, 1824. My mother died when I was nine years old, and I was sent to live with my uncle, Mr. John Claygay. I never attended school much, being able to go only about three months in the year. At 16 years of age I went to New Brunswick with my two brothers, and afterward to live with the Rev. Mr. Van Amburg in Jacksonville, twenty-five miles from New Brunswick. I lived there for three years, then returned to New Brunswick and learned to be a tailoress. I worked three months without pay and was then employed by a Mr. Owen. He was a class leader in the Methodist church of which I became a member. It was there that I met Mr. Edward Struck, who was a devoted Christian up to a few months before his death. I was his wife eighteen years; he has been dead about eight years. Our first child we called Lydia, and after her birth we went to New York and resided near Elizabeth and Houston streets. In New York we had two boys. Afterward we moved to Carmansville, where we had four children born. At the end of that time Mr. Struck obtained an appointment on the Metropolitan Police force. Six months later we lost a daughter, aged twenty-two months, by the measles. About this time my husband was transferred to Manhattanville, and we moved to 125th street. Then occurred our first trouble, which came about in this way:

A man came up to Stratton's Hotel, on the Bloomingdale road, and made a disturbance in the bar-room. He attacked the bartender with a knife and immediately the cry of murder was sounded. Just at this time

the Manhattanville stage came along, and on it was a detective, who heard the cry. He rushed into the hotel, but finding he was powerless to accomplish anything he asked for the assistance of a policeman. There was none near, and he endeavored to quiet the man by talking to him, but he could not succeed. The man appeared deranged. The detective struck him with a cane, but the man would not desist. He struck the officer with a knife, when the latter drew a pistol, and shot the man dead.

The stage drove on and soon met Mr. Struck, and as he was a policeman, the driver told him the circumstances about the killing of the man at the hotel. Mr. Struck started immediately for the hotel, and when he reached there he found that the man was dead. Word was sent to the Manhattanville police station, and the doctors gave it as their opinion that the man was deranged. My husband reported at headquarters, and soon after a rumor prevailed that he would not arrest the man, because he had a pistol. This was incorrect, but the employés of the hotel testified that Mr. Struck was at the place and was afraid to go in. The result was that he was discharged from the police force. I sent for Capt. Hart, but when he came my husband would neither look, speak, nor have anything to do with him. The Captain said he was out of his mind, and advised me to have him sent to an asylum.

One night after this he was acting very badly, and I called in Police Sergeant Mc—, who lived in the lower part of our house. The Sergeant advised me to put him out of the way, as he would never be any good to me or himself again. I asked him what he meant, and he told me to get a certain quantity of arsenic and give him some of it. I paid ten cents for it, put it in some oat meal gruel, and gave him some of it during the afternoon. That night he was very ill, and at 8 o'clock the next morning he died.

The following July I made up my mind that my two little children, Mary Ann, six years old, and Edward, two years younger, would be better off if they were out of the way, so after thinking the matter over for several days I made them some of the same kind of gruel their father had eaten. They only survived a short time.

The doctors said that the children died of gastric fever. They had not the least suspicion of the truth.

I continued to keep house, and had four children with me at the time. My son, George Whitfield, who was then 14 years of age, was living with me. In the latter part of August he was taken sick, and I sent for Dr. Oviatt. He said the boy had painters' colic, and as he did not improve I became discouraged, and mixed some arsenic in his tea. He died the next day, and the doctor said it was painters' colic.

Then my little daughter Ann Eliza took the chills and fever, and was continually sick. This made me downhearted and discouraged again. I had some arsenic in the house which I purchased in Harlem, and I put it



in the medicine I bought for her to cure the chills. I gave it to her twice, then she was taken sick as the others were, and died about noon four days afterward. She was the happiest child I ever saw.

I then kept house until the following May, going out as usual to do nursing. About that time Lydia, my eldest daughter, went to New York with work, was taken sick, and after an illness of 21 days she died a natural death. I never gave her anything the doctor did not order. Then I went to Sailorsville, Pa., with a family named Maxom. It was not a profitable venture, so I returned to New York and went to live with my step-daughter, Mrs. Thompson. Then I took a situation with Mr. Cochran, who kept a sewing machine establishment in Canal street. There I became acquainted with Mr. James Curtiss. He asked me to go to Stratford, Conn., to take care of his aged mother and keep house for them. I consented to go for \$8.00 per month. I lived there eight months. One day Mr. John Fairchild, at whose store I bought our groceries, asked me if I would like to keep house for a man who had just lost his wife. In this way I became acquainted with Mr. Hurlburt, who lived in Coram, Huntington. After I had been a few days with him he asked me to marry him, which I did Nov. 22, 1868. The ceremony was performed by the Rev. Mr. Morton in his own house. We lived happily for fourteen months. About three months after we were married Mr. Hurlburt made his will. He was subject to fits of dizziness.

One day he was unwell, and he ate clams and drank cider with saleratus in it. Then he became worse. On one occasion he made me drink cider and saleratus, after which I became very sick and dizzy, and I took to vomiting. Finally Mr. Hurlburt became worse, and about 5 o'clock one morning the old man died. Now I wish to say that I never gave Mr. Hurlburt anything that would cause sickness, though there may have been arsenic mixed with the saleratus which he put into the cider.

About two months after Hurlburt died, I heard that Horatio N. Sherman of Birmingham wanted me to take a little baby to board. I met Mr. Sherman one Sunday morning. He introduced himself to me, and said that he had another object in calling besides getting me to take care of his baby. He wanted me as his housekeeper, because his mother-in-law and his daughter could not get along well together. I said I would think about it. Two weeks later he came again and offered to marry me. I told him we ought to be better acquainted. He said that he was compelled to get some one, as he could not have the old woman in the house, as she was creating a constant disturbance. He then went away, and I did not see him for three or four weeks; but at the end of that time he found me a tenant for my farm, which ended in my lending him \$300.

In July, 1870, I lent him \$300 more, and on the 3d of September, 1870, we went to Mr. Sherman's sister's house, in Bridgewater, Mass., and were married.

After we had been married about two months, Mr. Sherman said one day that he wished his babe (Frank) would die, as then the old woman should not stay another day in the house. I was full of trouble, and not knowing what to do, I was tempted to give him (Franky) something to get him out of the way, for I thought he would be better off. They had arsenic in the house. The old lady had used it before to poison rats. I put some of it in some milk, and only gave it to him once. Being quite feeble, he began to be sick and to vomit. I sent for a doctor, but he said the child was not out of danger, though he was better. This was in the forenoon. That night the child died at 11 o'clock. This was Nov. 15, 1870.

Mr. Sherman then took to drink, and I supported the family for about six months. During this time I found that he had dissipated the money I gave him, instead of paying his bills with it, so I had to pay out about \$300 more for him. Then came Christmas, and Ada devoted a great deal of time in decorating the church. I furnished her with all her clothes and paid her dressmaking bills. On Christmas Eve Ada was taken sick and Dr. Beardsley was again sent for. He prescribed a brandy-sling for her, but Mr. Sherman drank all the liquor I bought. I could not keep a drop for Ada. The next morning she was no better, and we sent for Dr. Dutton of Milford. When the doctor came Mr. Sherman was so drunk that he could not walk straight. Mr. Sherman asked me for \$10 to pay the doctor. I refused to give it to him, saying that I would pay the doctor myself. Then he got mad and went out.

That made me feel so bad that I was tempted to do as I had done before. I had some arsenic in the house, which I mixed in her tea and gave to her twice. She died the next morning.

Then Mr. Sherman began drinking more than ever. Sunday he went out and returned very drunk. Monday he went out again and returned in the evening. He drank a cup of chocolate and then went out to get some greens for dinner.

While he was gone he was taken sick, and he came home immediately. I had about a pint of brandy in the house, and I put some arsenic in it. That night he drank it and the next morning he was very sick. I did not mean to kill him. I only wanted to make him sick of liquor. The next day he drank more of the brandy and was worse. I sent for Dr. Beardsley and told him that Mr. Sherman had one of his old spells. He continued to grow worse, other doctors were called in, but he died at eight o'clock the following morning.





The Family Feud. Rage of Mr. Sherman's mother, and terrible accusation—"He was poisoned."  
Der Familien-Zwist. Entrüstung von Mr. Sherman's Mutter und die schreckliche Vermuthung—"Er wurde vergiftet."



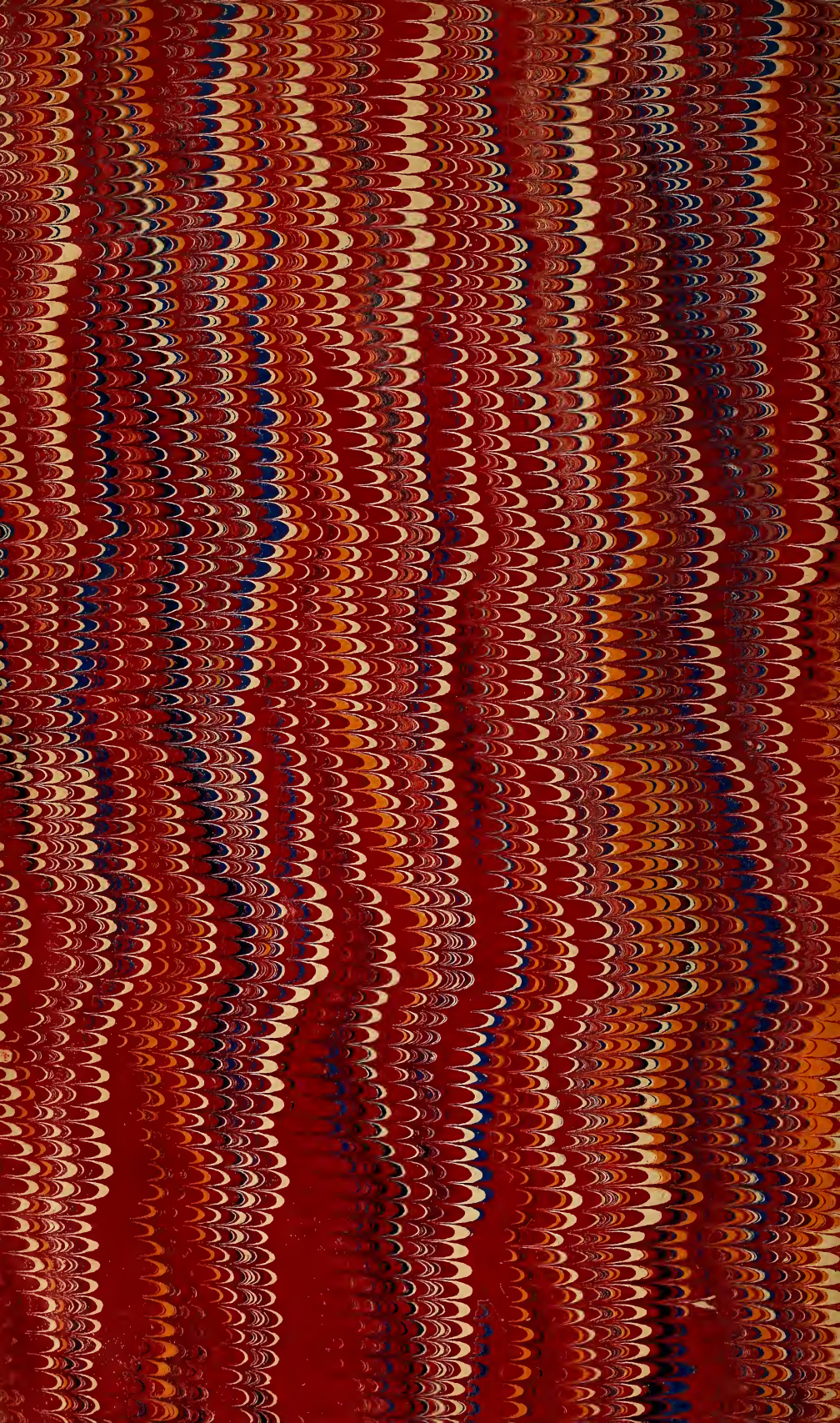














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